

COUNCILLOR CALL FOR ACTION: GATEWAY PROCESS

1 Introduction

The Local Government and Public Involvement in Health Act 2007 introduced the Councillor Call for Action from 1 April 2009. This protocol sets out how elected Members of Cheltenham Borough Council can make use of this new power.

2 What is a Councillor call for action?

- 2.1 The prime aim of the Councillor Call for Action (CCfA) is to support elected Members in achieving improvements for their local areas. In their day to day roles Councillors identify issues of significant concern to their communities. They seek to resolve problems by talking to the council and other service providers. If they cannot resolve a particular issue they are now able to refer it to an Overview and Scrutiny Committee for further investigation.
- 2.2 The new legislation extends overview and scrutiny powers so that any Member of the Council (and not just a Member of the relevant committee) can refer matters to an Overview and Scrutiny Committee. The matters that can be referred may include those that the Council and its partners are delivering through the local area agreement.
- 2.3 The Police and Justice Act 2006 makes provision for a CCfA for crime and disorder and community safety issues. In practice, referrals made relating to these issues should be dealt with in the same way as other CCfAs by the Overview and Scrutiny Committee (or referred to the Gloucestershire County Council Environment Overview and Scrutiny Committee)

3 Outline of the process

- a) Councillor resolves the issue at a local level
- b) If this is not possible, the Councillor refers the issue to the Chief Executive who will send it to the Chair/Vice-Chair of the relevant Overview and Scrutiny Committee.
- c) Relevant Members, partners and Officers agree how the CCfA is to be handled.

- d) The CCfA is considered at the next scheduled meeting of the relevant Overview and Scrutiny Committee unless the Chair accepts that the matter needs to be considered urgently, in which case a special meeting of the committee will be arranged.
- e) The Overview and Scrutiny Committee agrees a resolution for the CCfA.

Each of these areas is discussed in more detail as follows.

4 Activity to resolve issue

- 4.1 Before referring a matter to overview and scrutiny it is important that Councillors make use of existing mechanisms. The emphasis is on Councillors resolving issues at an early stage by making use of existing local mechanisms.
- 4.2 Councillors will need to be able to demonstrate that they have taken reasonable steps to resolve the matter. **Annex 1** provides some guidance on the sorts of activity that it is expected that a Councillor will have undertaken before making a request to overview and scrutiny.

5 Referral to overview and scrutiny

- 5.1 If the Councillor is unable to resolve the matter, then they will be able to refer the matter to the relevant Overview and Scrutiny Committee.
- 5.2 Councillors will be expected to exercise some judgment over what is referred to overview and scrutiny. Issues that should be referred are those which have wider policy or strategic implications, are indicative of a broader issue or are particularly problematic.
- 5.3 If a Councillor is satisfied that they have a viable CCfA, they should complete the form included at **annex 2**. This formal notification should be sent to the Chief Executive with a copy to Democratic Services.
- 5.4 The Chair and Vice-Chair of the relevant Overview and Scrutiny Committee will consider the request and inform the Councillor whether they accept the CCfA. In the event of disagreement, the matter will be referred to the committee.
- 5.5 Reasons the Chair and Vice-Chair may not agree to take the CCfA forward to the committee could include:
 - Not enough information has been provided
 - More could be done to resolve the issue at a local level

- The CCfA is, or has stemmed from, a vexatious complaint
- The matter has recently been examined by overview and scrutiny
- The matter is the subject of an ombudsman complaint or other official complaints procedure.
- The matter falls under excluded matters. For example: planning, education and licensing appeals.

5.6 The Councillor has the opportunity to reply to the Chair/Vice-Chair with further information to substantiate the CCfA.

5.7 If the CCfA is accepted, the relevant Cabinet Members, senior Officers and partners will be notified by Democratic Services.

6 Determining how each CCfA is to be handled

6.1 To allow the Chair and Vice-Chair of the relevant Overview and Scrutiny Committee to make an informed decision, it is suggested that they hold a meeting with the relevant Councillor to agree how the CCfA is to be handled. This meeting would be an opportunity for them to agree the key questions to be answered, the information required, who needs to be involved and the timescale.

6.2 Relevant partners, Cabinet Members and senior Officers should be involved in the CCfA at an early stage. It is necessary to get a balance between involvement to resolve issues at the earliest opportunity and not involving people unnecessarily.

6.3 It is also a critical part of the process in making sure that Councillors are fully aware of the roles, responsibilities and priorities of the organisations concerned. This should help to ensure that neither the public nor Councillors have unrealistic expectations of what can be achieved.

7 Role of the Overview and Scrutiny Committee

7.1 The Overview and Scrutiny Committee will hear from relevant witnesses, including the Member submitting the CCfA, and will determine the matter as follows:

- Write a report setting out the Committee's findings and recommendations
- Decide that it is a complex issue requiring further investigation and refer the matter to another body for more detailed scrutiny. This could

be another scrutiny committee or a task group set up specifically to look at a particular issue.

- Decide not to make a report. This might be because it is not considered to be the right time to consider a particular issue.

7.2 In any event (subject to the rules on confidential and exempt information) the outcome of the meeting will be published and details sent to the Member who submitted the CCfA, relevant Cabinet Members and partners.

7.3 Where Cabinet Members and partners are requested to take action to resolve a particular issue they will be asked to make a formal response to a future meeting of the Overview and Scrutiny Committee.

Examples of the steps which a Councillor could be expected to have taken before submitting a Councillor call for action to overview and scrutiny

- 1) The relevant complaints procedures have been complied with

If the issue appears to be that a standard service has not been provided, or not provided to a sufficient standard, then the Councillor should check that the relevant complaints procedure has been used, and that the service provider has responded to the complaint.

- 2) The service manager has been approached

The issue may at its core be that local people feel that the standard service is not the right one for local conditions, and therefore the matter may be a question of making some slight adjustments at management's discretion. The Councillor would therefore be expected to have discussed the matter with the service manager in an attempt to secure the change. Again, this could apply across the range of partner agencies.

- 3) Relevant partnership bodies or local groups have been approached

It is more likely though that matters which merit a Councillor call for action are more complicated than the former examples. One likely possibility is that the matter requires attention from a number of agencies acting in partnership. The Councillor should in such cases demonstrate that local partnership bodies have had an opportunity to respond. In Gloucestershire, there are 18 Police Safer Community Teams that hold 55 neighbourhood co-ordination group meetings on a 2-3 monthly cycle. It may be appropriate for a Councillor to raise an issue at a meeting of the group that covers their local area.

- 4) The relevant Cabinet Members have been approached

The Councillor may come to the view that a pattern of conditions in the local area can only be addressed through a substantial policy change. In that case, the scrutiny committee will expect to see that the Councillor has approached the relevant Cabinet Members and at least given them a reasonable opportunity to respond.



CHELTHENHAM
BOROUGH COUNCIL

Councillor call for action request

To: Chief Executive
c/o Democratic Services

Date:

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Summary of issue
and why it should
be raised with
Overview and
Scrutiny
committee:

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Action taken
including list of
people and
organisations
already contacted

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Key dates (if
relevant)

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Signature:

Name (printed):

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Continue on a separate sheet, if necessary