

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Scrutiny and Overview Committee 30 April 2009
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COUNCILLOR CALL FOR ACTION

Purpose of Report

1. To enable the committee to discuss its role regarding Councillor Call for Action (CCfA) and agree a procedure to follow.

Options

2. The Committee may:
 - (a) agree the procedure for Councillor Call For Action, set out in the following documents, subject to changes agreed at this meeting:
 - Councillor Call for Action flowchart (Appendix A)
 - Scrutiny element of CCfA process (Appendix B)
 - Guidance on whether to accept CCfA (Appendix C)
 - Councillor Call for Action checklist (Appendix D)
 - (b) agree to review the process and documents for CCfA after a period of six months to assess their effectiveness.
3. This is not a key decision.

Background

4. Officers made a presentation to Council on 28 February 2008 on the key implications for the Council of the Local Government and Public Involvement in Health Act 2007 and the Police and Justice Act 2006. Both acts sought to introduce a 'Call for Action' power, enabling issues of local concern to be referred to scrutiny committees. The relevant legislation came into force on 1 April 2009, and it is now necessary for the Committee to agree how the process will operate at South Cambridgeshire District Council.

Considerations

5. CCfA gives Members the right to refer 'local government matters' to the Scrutiny and Overview Committee; the matter is then discussed by the Committee, who will decide whether to investigate it or not. The Member will be expected to have exhausted all other channels to resolve the matter before referring a CCfA to the Scrutiny and Overview Committee.
6. 'Local government matters' can relate to any function or responsibility of the Council that affects all or part of the Member's ward, or its residents or workers in the area, provided it is not an 'excluded matter'.
7. Excluded matters include planning or licensing decisions; matters where there are other mechanisms of review or rights of appeal; or anything that is vexatious, discriminatory, persistent or unreasonable. Otherwise, there is a presumption that a matter will be

accepted for scrutiny. Guidance published by the Improvement and Development Agency will help in determining what may be excluded.

8. A draft process and checklist to enable the efficient and effective consideration of CCfAs are attached for discussion:

- **Councillor Call for Action flowchart**

The flowchart at Appendix A sets out the avenues that a councillor would be expected to explore before referring a matter to the Scrutiny and Overview Committee (SOC). Referral to the SOC is viewed as a last resort when all other means have been exhausted, such as the portfolio holder, service provider, complaints procedure, partners and so on.

The procedure provides for the Chairman to make an initial assessment of the suitability of a Call for Action; it is proposed he/she be given power to reject a request on any of the grounds set out in the attached guidance (Appendix C).

- **Scrutiny element of CCfA process**

This stage of the process is reached when the Chairman of the Committee has accepted the issue onto an agenda. If the Committee then agrees to investigate, it will proceed much in the way it would when carrying out its general work programme. Where it decides not to investigate, the Committee will notify the councillor within an agreed timescale, giving reasons for the refusal.

- **Guidance on whether to accept a CCfA**

The document at Appendix C sets out a checklist of factors which the Chairman will weigh up before deciding whether to allow a Call for Action to proceed to consideration by the Committee. Further guidance published by the Improvement and Development Agency will clarify what may be excluded.

- **Councillor Call for Action Checklist**

The checklist attached at Appendix D brings together the stages identified in the flowchart and is designed to help the councillor to set out the steps already taken, and identify a desired outcome towards which the scrutiny committee can work. This form would be submitted via the Scrutiny Development Officer for consideration by the Chairman of the Scrutiny and Overview Committee, who would respond within five working days.

9. **Implications**

Financial	The call for action mechanism can be operated within existing resources.
Legal	Paragraph 7(b) of the Scrutiny and Overview Committee Procedure Rules, set out in Part 4 of the Constitution, already makes provision for any member of the Council to include items on the agenda for the Scrutiny and Overview Committee at the Chairman's discretion. The Chief Executive has amended the committee's Terms of Reference in Article 6 of the Constitution to recognise the Committee's power to consider calls for action, under delegated powers to amend the Constitution to meet legislative requirements set out in Article 15.03.
Staffing/ capacity	None

Risk Management	Publishing an agreed procedure will minimise the risk of erroneous or premature Calls for Action, which could reduce the efficiency of the Committee.
Equal Opportunities	None

Consultations

10. None

Effect on Annual Priorities and Corporate Objectives

11. The Committee's selection criteria ensure that any CCfA selected for scrutiny will contribute to at least one of the Council's Corporate Objectives.

Options

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 - (b) agree to review the process and documents for CCfA after a period of six months to assess their effectiveness.

Background Papers:

- Local Government & Public Involvement in Health Act 2007 and subsequent Orders
- Police and Justice Act 2006
- The Improvement and Development Agency (IDeA) have published three documents setting out best practice guidance. These can be viewed at www.idea.gov.uk/idk/core/page.do?pagelId=9410176.

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