

A Councillor's Guide to Councillor Call for Action

**What is it and what does it mean for you,
as a Bromsgrove District Councillor?**



Bromsgrove
District Council
www.bromsgrove.gov.uk

What is a Councillor Call for Action (CCfA)?

The “Councillor Call for Action” was introduced under Section 119 of the Local Government and Public Involvement in Health Act 2007 (the Act), and came into force on 1st April 2009. The statutory requirement to implement CCfA by 1st April 2009 applies to all councils in England (with the exception of parish councils) regardless of their Executive arrangements.

The Act enables any Member of the Council to refer to the Overview and Scrutiny Board any local government matter or any crime and disorder matter which affects their ward or division.

The power to refer a matter is available only where the matter is of direct concern to the ward or division which the councillor represents. A councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for councillors in multi-member wards to agree – any of them can refer a matter.

CCfA is therefore a process which puts you, as local councillors, at the forefront of dealing with issues of concern in your local communities. It gives you a central role in calling to account the work of Council services and other agencies at a local level. When concerns are identified (either as a result of information from individuals, community groups or your own observations), councillors should be able to trigger a response from service providers and help ensure the concerns are dealt with. As a last resort, when a problem cannot be solved, the CCfA can enable you to trigger a local scrutiny review.

The CCfA is intended to provide greater emphasis to the vital work undertaken by you in your communities as community advocates and champions, and to further increase the accountability of public service providers to local communities.

How is CCfA different from general scrutiny requests?

What distinguishes the CCfA from a more general request for scrutiny is:

- The focus of the CCfA is on neighbourhood or locality issues and specifically the quality of public service provision at a locality level;
- The CCfA represents a genuine local community concern (based on local councillors’ judgements); and
- It is a persistent problem which the local councillor has been unable to resolve through local action and discussion with the Cabinet or relevant services and agencies.
- Scrutiny reviews resulting from CCfA will be undertaken by scrutiny Task Groups composed largely of councillors from the affected locality. There is an expectation that the locality-based scrutiny reviews will be ‘short and sharp’, focused reviews - it is important that the public see

this as a responsive and un-bureaucratic process which delivers tangible outcomes.

What are the limitations?

It is important to recognise that CCfA is not guaranteed to solve a given problem. CCfA can provide a method for discussing such problems and, through discussion, trying to overcome them.

What issues are excluded from referral as a CCfA and what happens with a referral?

The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 excludes the following matters from referral as a CCfA:

- Individual complaints concerning personal grievances or commercial issues;
- Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:
 - planning and licensing applications and appeals,
 - Council Tax/Housing Benefits complaints and
 - queries or issues currently under dispute in a court of law
- Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Board or any of its Task Groups

A referral provided it is not an excluded matter will ensure that the matter is included on the agenda of the Overview and Scrutiny Board. It is then up to the members of the Board to decide whether or not to take the matter further.

A referral made to the Overview and Scrutiny Board is seen as being at the end of the CCfA process (the last resort) and not the first step.

Championing a CCfA

It is a matter of judgement which requests you agree to champion and as a local councillor you are accountable to your local community for these judgements. Championing a request will mean taking the issue up on behalf of the resident(s) concerned and trying to resolve the problem by liaising with council services, the Executive and/or outside agencies.

You may wish to inform the Committee Services Officer about a request for a potential CCfA at quite an early stage, particularly if support and advice from the Officers would be helpful. Certainly at the point you agree to champion a CCfA it would be helpful to formally log this with the Committee Services

Officer. Some requests will come to the Committee Services Officer directly, and in those cases we will log the request and forward the information to the appropriate ward councillors.

What steps must a Councillor take before making a CCfA referral?

Prior to a councillor referring a matter as a CCfA to the Overview and Scrutiny Board, a councillor must have tried to resolve the issue/problem themselves using all mechanisms and resources available to them at ward level. Councillors should:

- If it's a local crime and disorder matter, raise the issue through the Community Safety Partnership to find a way to resolve the issue.
- Ensure that all relevant partner organisations have been informed of the issue and given enough time to resolve the issue, for example through formal letters written on behalf of constituents, discussion at public meetings, petitions, communication with local MPs and councillors in other authorities etc.
- Ensure that all relevant internal potential routes to solution have been followed, for example informal discussions with officers and/or members, questions at committees etc.
- Ensure that this is not an issue that is currently being or should be pursued via the Council's complaints procedure.
- Ascertain whether or not any other form of local scrutiny is investigating the issue (e.g. Worcestershire County Council).

There are therefore a number of basic levels of response prior to a CCfA where local residents have concerns about persistent or serious problems in their area or want to influence policies:

1. **First level of response:** Councillor takes up community's concerns.
2. **Second level of response:** Councillor asks the Cabinet or the relevant local partner to take action.
3. **Third level of response:** Councillor asks Overview and Scrutiny to investigate (CCfA).
4. **Fourth level of response:** The Overview and Scrutiny Board considers, rejects or makes recommendations – which may be accepted or rejected by the Cabinet and/or local partners.

What is the process for a CCfA referral?

If the issue/problem is still not resolved the councillor can refer it to the Overview and Scrutiny Board as a “Councillor Call for Action”. To do this the councillor should:

- Complete a CCfA Request Form (as set out at Appendix 2 to this Guide) outlining what the issue is and what steps have been taken towards a resolution and forward to the Committee Services Officer.
- The Committee Services Officer will log it to track its progress and assess the issue to ensure that it is not a matter excluded from referral to Overview and Scrutiny.
- The Committee Services Officer will inform the Chair of the Overview and Scrutiny Board that the item will be included on the Board’s agenda. The Councillor will be informed of the date when the CCfA will be considered. The Councillor will be expected to attend the Overview and Scrutiny Board meeting to present their CCfA.

A successful referral will ensure that the CCfA will be placed on the next agenda of the Overview and Scrutiny Board. It is then up to the members of the Board to decide whether or not to take the matter further.

What will the Overview and Scrutiny Board do with CCfA referrals?

In deciding whether or not to take the matter further the Board will consider:

- Anything that the councillor has done in relation to this matter; and
- Representations made by the councillor as to why the Board should take the matter up. (Councillors have the option of either presenting their CCfA form without supporting papers or by preparing a report setting out their views. Any reports prepared by councillors would be circulated, along with the agenda and other reports for the meeting). *This information will need to take account of the disclosures of exempt information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972.*

In considering the CCfA, the Overview and Scrutiny Board may invite the relevant Member Champion, Chief Executive, Head of Service or external organisation to discuss the issue with the Overview and Scrutiny Board and answer any questions, if the Board considers this relevant.

If the Board decides not to accept the CCfA referral it must inform the councillor and provide reasons.

If the Board decides to accept the CCfA referral, it must decide how it intends to take the matter forward and include the CCfA in its work programme. This could include:

Before holding a formal hearing:

- Asking the service area(s)/partner organisation(s) to respond to the CCfA.
- Setting up a research group to undertake a more in depth review.

At formal hearing:

- Asking for further evidence and/or witnesses to be brought to a future meeting then making recommendations to the relevant Committee/partner organisation.

What are the potential outcomes of a CCfA referral?

Following a formal hearing, there are a number of potential outcomes from the Board meeting:

- The Board could determine not to make a report (perhaps because it is not considered the right time to consider a particular issue), with the ward councillor being formally notified;
- The Board could determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;
- The Board could write a report and make recommendations on the CCfA to the relevant Committee/partner(s).

Once the Board has completed its work on the CCfA referral the member who made the CCfA referral will receive a copy of any report or recommendations made. The reply will also be printed on the Council's website www.bromsgrove.gov.uk (unless there are reasons why the Committee treats the matter as an exempt item and as a result the report cannot be made public).

What are the Timescales for CCfAs?

Once a CCfA has been referred to Overview and Scrutiny, the item will be included on the next available Board agenda.

If the Board agrees to take the matter forward, the hearing will usually be held as an item on the next available agenda. In exceptional circumstances, for example where there are unavoidable time constraints, a separate meeting may be convened.

Should a CCfA hearing result in recommendations to another Committee being made, the other Committee must respond to the recommendations,

setting out any action it intends to take, within 28 days of the recommendations being placed on the relevant Committee's agenda.

Should a CCfA hearing result in recommendations to partner organisations, such organisations will also be requested to make a response to the recommendations, although they are under no legal obligation to do so.

The CCfA process is summarised in the flow chart at Appendix 1.

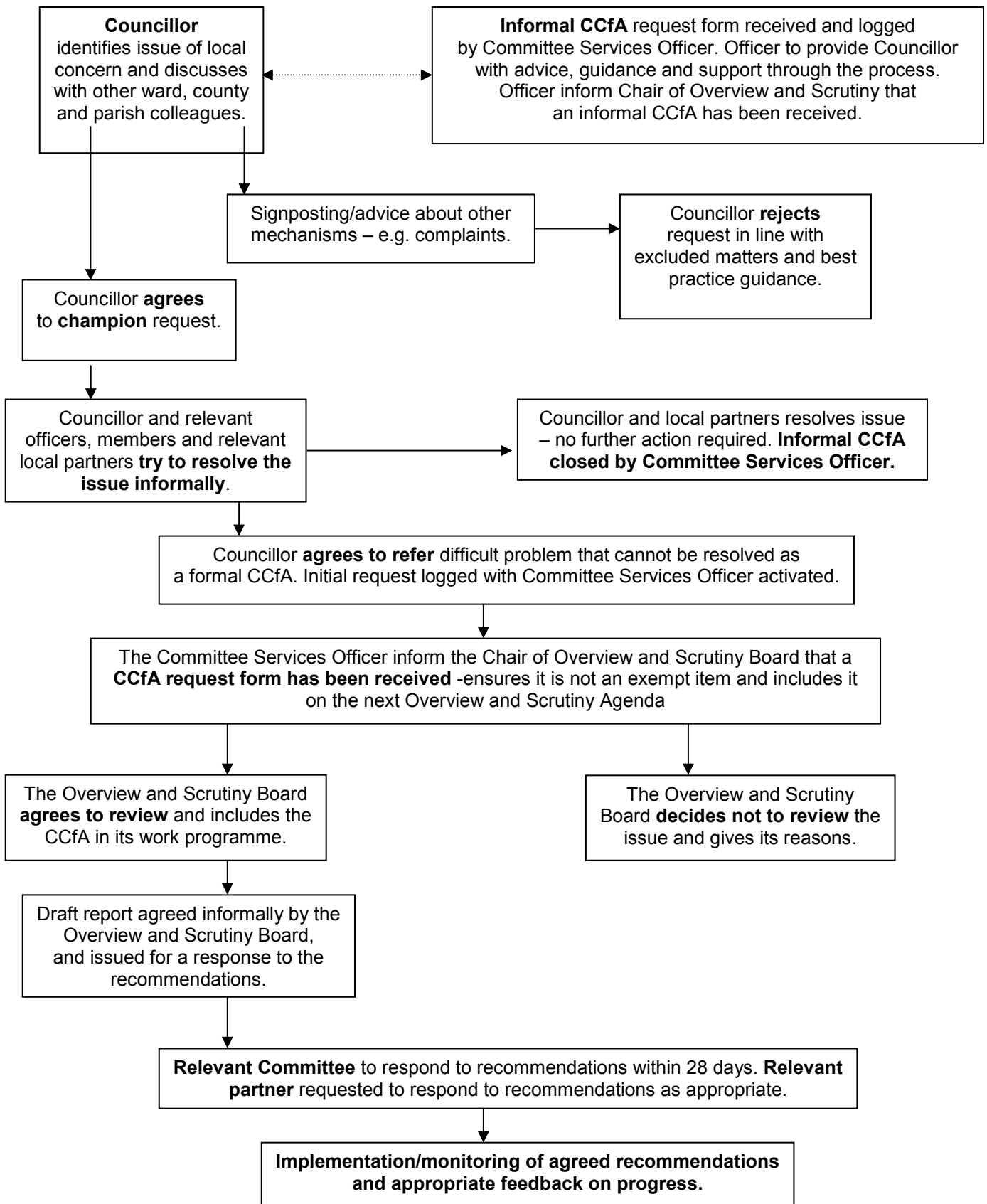
For further information contact:

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Tel: 01527 881443

Email: a.scarce@bromsgrove.gov.uk

SUMMARY OF THE CCfA MECHANISM



Councillor Call for Action (CCfA) Request

**To: Committee Services Team
Legal & Democratic Services**

This form should be used by any Councillor at Bromsgrove District Council who would like the Overview and Scrutiny Board to consider a Councillor Call for Action in their ward.

Your contact details: Name (print):
Address:
Contact number:
Email address:

The Ward you represent:

Title of your Councillor Call for Action:

Some areas are statutorily excluded from the CCfA process. Please answer the following questions to help ascertain whether or not your request falls within an excluded area.

Does the issue relate to a problem in your electoral division?	Yes/No
Does it relate to a complaint made by an individual or organisation?	Yes/No

Guidance suggests that a CCfA should be made only when all other avenues have been exhausted. Please answer the following questions to show the action previously taken to resolve the issue:

1. Has the issue been discussed at a meeting of any of the following?

Executive	Yes/No	Date:
Overview and Scrutiny Board	Yes/No	Date:
Local Neighbourhood or other Forum	Yes/No	Date:

2. Have you discussed the issue with any of the following:-

		Date	Contact Name/Tel No.
Relevant Portfolio Holder	Yes/No		
Executive Director	Yes/No		
Head of Service	Yes/No		
Other Council employee	Yes/No		
Partner or other Organisations Please give details of Partner or other organisations (NHS, Police, Fire and Rescue) with whom you have discussed the matter.			

3. Please give brief details of the outcome of the discussions you have had.
 (Please continue on an additional sheet if necessary)

4. Has there been a petition about the issue?	Yes/No	If Yes, when and where was it heard?
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Why should your CCfA be raised with the Overview and Scrutiny Board?
(Please give a brief outline of the issue)

What evidence do you have in support of your CCfA?

Which areas or community groups are affected by the CCfA?

What do you want to be the outcome of your CCfA?

Signature:

Date:

Please complete and return the form to:

Bromsgrove District Council - Committee Services Team
The Council House, Burcot Lane, Bromsgrove B60 1AA

For Official use:

Date and time of receipt.....Officer Receiving