

SLOUGH BOROUGH COUNCIL

REPORT TO: Overview & Scrutiny Committee

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WARD(S): All

PART I **FOR DECISION**

'COUNCILLOR CALL FOR ACTION' – BRIEFING NOTE

1 Purpose of Report

This report informs Members of new scrutiny provisions arising from the Local Government and Public Involvement in Health Act 2007 and considers how the Council should take forward its responsibilities in this area of work.

2 Recommendations

That the Council meets its legal obligations by ensuring that existing facilities for raising scrutiny items accommodate the new provisions or if necessary that enhanced or new processes are put in place.

It is recommended that the following approach be adopted in consideration of the new provisions:-

- That existing processes for raising scrutiny items are examined and if appropriate a procedure that incorporates the new provisions is drafted in consultation with the Chair and Vice-Chair and brought to the Committee.
- That, if adopted, the procedure sits alongside and complements existing provisions that are already available to Councillors in raising scrutiny issues such as the call-in procedure, recently introduced scrutiny surgeries and neighbourhood management pilots.
- This procedure would need to consider the following policy aspects:
 - Call-ins
 - Complaints
 - Petitions
 - The scrutiny work programme
 - Freedom of information
 - Support for Councillors' ward work
- That a thorough consultation on the requirements of the new provisions/draft procedure is undertaken with all Members, Democratic Services, senior managers and Directors.

- That best practice guidelines are taken into account and practices are benchmarked against other local authority procedures to ensure that the most suitable solution is implemented for Slough.
- That the Committee considers whether wider training or workshops on this topic would be useful in the future.

3 **Community Strategy Priorities**

New provisions in the form of the “Councillor Call for Action” (CCfA) could contribute to all of the Council’s priorities, with particular reference to the Being Safe, Feeling Safe priority in relation to crime and disorder scrutiny. CCfA represents an opportunity for the whole Council to try and bring about specific solutions for local problems.

4 **Other Implications**

(a) Financial

There are no financial implications at this stage. However, this may need to be reviewed regularly to ensure that adequate resources support the process as and when it evolves. The CCfA provisions may have a significant impact on the work of the Scrutiny Committee and Panels.

(b) Risk Management

If no action is taken, the Council may not meet its legal obligations and would miss an opportunity to improve or achieve an outcome for local communities on various issues.

(c) Human Rights Act and Other Legal Implications

There are no Human Rights Act implications and the legal requirements of the legislation are set out in the report.

(d) Equalities Impact Assessment

An initial screening has been undertaken and there is no negative impact on any sector or the community.

5 **Supporting Information**

5.1 Legislative Framework

Section 119 of the Local Government and Public Involvement in Health Act 2007.

Legislation has recently been brought into force which introduces new responsibilities for Overview and Scrutiny Committees and extends their role in enabling the public to bring forward issues of local concern. The background to the legislation is about strengthening the role of the Councillor to help them tackle local problems on behalf of their constituents.

The two pieces of legislation concerned are changes implemented by the Local Government and Public Involvement in Health Act 2007, which introduces the Councillor Call for Action, and the Police and Justice Act 2006 (as amended) which introduces the need for local authorities to have a designated crime and disorder committee to deal with local crime and disorder matters.

Current arrangements allow any Member of an Overview and Scrutiny Committee to put forward suggestions that they would like the Committee to look into. The call-in process also allows Members to raise issues with Scrutiny. However, recent legislation has sought to raise the profile of these facilities by introducing a CCfA.

The amendments now enacted in Section 21(A) of the Local Government and Public Involvement in Health Act 2007 require that authorities have to go further and enable those of its Members who are not Members of the authority's Overview and Scrutiny Committees the facility to refer any "local government matter" for consideration by the relevant Committee.

A "local government matter" is defined in section 21A(10) of the 2007 Act as a matter which relates to the discharge of any function of the authority, affects all or part of the area for which the Member is elected or any person who lives or works in that area, and is not an "excluded matter".

The power under section 236 of the Act also gives Councils the right to delegate functions to individual Members to exercise in their ward, thus giving Members the ability to get things done in their ward without going through the council's formal decision-making process. Functions which could be delegated include those relating to environmental services, community grants and youth activities. These provisions are optional and most effective if put in place as part of neighbourhood working arrangements. The adoption of such powers would be a major change to the Council's Constitution and would be a matter for consideration by the full Council.

5.2 Why Use the Powers?

CCfA is designed to be used when all other attempts at a resolution have failed. It is not designed to provide an immediate solution, but offers a chance to bring an issue to a wider audience to discuss.

Examples of why Members might use CCfA include calls for actions regarding:

- Sustained poor performance at a local school.
- Poor maintenance of a park, leading to increased anti-social behaviour.
- A series of complaints about refuse collections services which may demonstrate systemic failures.

5.3 How will CCfA work in practice?

CCfA will be relevant when a Councillor has exhausted all other steps to resolve an issue in his or her ward. Precise procedures are down to individual Councils to formulate but the general process would allow a Councillor to approach the Chair of Overview and Scrutiny to request that a CCfA on the issue be considered at Committee.

The Chair would decide if a CCfA was appropriate, based on the Council's policy and the rules on exclusions. If agreed, the issue would be placed on the agenda for a subsequent meeting for discussion and it would be up to the Members of the Committee to decide whether or not to take the matter further.

5.4 How is CCfA different from general scrutiny requests?

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

- i) the focus of the CCfA is on neighbourhood or locality issues and specifically the quality of public service provision at a locality level;
- ii) the CCfA represents a genuine local community concern (based on local councillors' judgements); and
- iii) 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.

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.

5.5 What are the limitations?

CCfA can provide a method for discussing issues and through discussion, try to overcome them. This may not necessarily resolve the issue immediately but will provide the facility for members and officers to work together to jointly develop policies to overcome the problem.

5.6 What issues are excluded from referral as a CCfA?

The legislation states that the following matters are excluded from referrals as a CCfA:

- i) individual complaints concerning personal grievances or commercial issues;
- ii) any matter relating to an individual or entity where there is already a statutory right to a review or appeal for example:
 - a) planning and licensing applications and appeals
 - b) Council Tax/Housing Benefits complaints; and queries or issues currently under dispute in a court of law; and
 - c) Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for a meeting of the Overview and Scrutiny Committee.

6 Comments of Other Committees

None

7 **Conclusion**

It is important that the Council considers its approach to “Councillor Call for Action” and adopts appropriate arrangements

8 **Background Papers**

- Councillor Call for Action guidance – CfPS
- S119 Local Government and Public Involvement in Health Act 2007
- S236 & 237 Local Government and Public Involvement in Health Act 2007
- The Crime and Disorder (Overview and Scrutiny) Regulations 2009

More information is available at

www.idea.gov.uk

www.communities.gov.uk

www.opsi.gov.uk

www.cfps.gov.uk