

Report of : Corporate Director of Resources
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Meeting of	Date	Agenda Item	Ward(s)
Standards Committee		7	

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SUBJECT: COUNCILLOR CALL FOR ACTION

1. Synopsis

- 1.1 The purpose of this report is to provide the Standards Committee with information about the councillor call for action (CCfA) procedure and protocol adopted by the council in April 2009.

2. Recommendation

- 2.1 That the Committee note the contents of the report.

3. Background

- 3.1 Government policy over recent years has in various ways sought to give the public more ways to influence how services are delivered and additional avenues for raising concerns and seeking improvements in their local area. The councillor call for action is a part of this and is intended to better equip councillors to act as champions for their local communities in resolving local issues.
- 3.2 Under the legislation recently brought into force, any councillor must be able to refer to an overview and scrutiny committee of their council, a matter which relates to the carrying out of the council's functions and affects all or part of their ward and is not a matter which is excluded from this process by the Act or regulations.

- 3.2 The CCfA arises from two legislative sources, the Local Government and Public Improvement in Health Act 2007 (for most local government matters) and the Police and Justice Act 2006 (for crime and disorder matters). Although these were originally quite different mechanisms, recent amendments to the Police and Justice Act have brought the two procedures closer together. The main difference now is that crime and disorder matters must be considered by a committee which is designated by the Council as its crime and disorder committee. In Islington, the Overview Committee has recently been designated as the crime and disorder committee. All CCfAs, whether to do with crime and disorder or not, will initially be referred to the Overview Committee.

4 CCfA for “local government” matters

- 4.1 A local government matter is one which relates to a council function and affects the councillor’s ward or someone who lives or works there. Some matters are excluded from the CCfA. These are planning decisions, licensing decisions, matters in respect of which there is a statutory right of review or appeal (other than to the Ombudsman) or which are “vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at,” a council committee meeting.
- 4.2 The CCfA is not an appropriate route for issues that can be effectively dealt with through other mechanisms (such as the council complaints procedures), urgent matters or matters of wider council policy and these are excluded by the Protocol. Under the procedure rules, it is for the Corporate Director of Resources to decide whether a CCfA received from a councillor should be referred under the Protocol to Overview.
- 4.3 If the committee decides to accept the referral it may:
- (a) Make an immediate report or recommendations to:
 - (i) the Executive or other relevant council body;
 - (ii) the Corporate Director of the relevant Council department; or
 - (iii) to any relevant partner organisation or other local organisation;
 - (b) Request further information or evidence from the ward councillor;
 - (c) Ask officers to look into the matter and report back;
 - (d) Invite other local stakeholders to give evidence to a future meeting; or
 - (e) Refer the matter to a Review Committee to undertake a more in depth review.
- 4.4 If a report or recommendation from the committee relates to a local improvement target in the LAA, then the committee may require the relevant partner to have regard to the report or recommendation in exercising their functions.

5. CCfA for “crime and disorder” matters

- 5.1 Crime and disorder for the purposes of the CCfA includes anti-social behaviour and misuse of drugs, alcohol and other substances.
- 5.2 The Overview Committee will have more extensive powers in respect of this category of CCfA. The committee will be able to require a representative of the chief officer of police, the police and fire authorities, the probation board and probation service providers or the primary care trust (the council’s “crime and disorder partners”) to attend before it, on reasonable notice, to answer questions about the CCfA. It will also be able to make a written request to those organisations for relevant information. The information should normally be de-personalised and cannot include information which would prejudice legal proceedings the partner organisation is involved in or the future operation of the partner organisation.
- 5.2 A copy of any report or recommendations by the Overview Committee or any of the specific review committees in response to a CCfA on a crime and disorder matter may be provided to the Council’s crime and disorder partners.
- 5.3 That partner will be required under the new legislation to consider the report or recommendations and to respond (within 28 days or as soon as practicable after that) to the committee indicating what action, if any, it proposes to take. The partner organisation is also required under the legislation to have regard to such a report or recommendations in exercising its functions.

6 The Protocol

- 6.1 Under the Protocol, councillors will be expected to complete a request form before a referral to the committee is made which demonstrates:
- (a) that the relevant Council department and/or any partner organisation has been informed of the issue and been given enough time to resolve it;
 - (b) that it is not an issue that is currently being or should be pursued via the council’s complaints process;
 - (c) whether or not the matter is being investigated through any other local scrutiny mechanism such as the Local Involvement Network.
- 6.2 The purpose of this is to ensure that the CCfA is genuinely a course of last resort and the expectation is that council departments and partners will have done their best to resolve the issues giving rise to the CCfA (where that is possible) before it is made.
- 6.3 In order to ensure that partner organisations are aware of the new procedure and how it may affect them a report concerning the CCfA is due to be considered by the ISP in June.

4.1 Financial Implications

The councillor call for action procedure in itself can be expected to be operated within existing resources. The financial implications of any service changes or policy changes that result from an individual call for action would be assessed in the normal way at the appropriate time.

4.2 Legal Implications

These are contained in the body of the report.

4.3 Equality Impact Assessment

There are none arising directly from this report.

5 Conclusion and recommendations

5.1 The CCfA is intended to increase the ability of councillors to respond to local concerns and seek local improvements. The procedure and protocol adopted by the Council in June reflects the statutory requirement for the new procedure and seeks to implement it in a way that ensures it is a course of last resort and does not become a burden to the Overview Committee or to departments and partners.

5.2 The committee is asked to note this report.

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