

# **Plymouth City Council**

## **Guide to Councillor Call for Action**

### **1 Introduction**

The Local Government and Public Involvement in Health Act 2007 introduced the Councillor Call for Action (CCfA) from 1 April 2009. This guide sets out how Plymouth city councillors can use this power.

### **2 What is a Councillor Call for Action?**

- 2.1 In their day-to-day role, councillors identify concerns in their communities and try to resolve them by talking to the council and other service providers. If they can't resolve a particular issue they can make a 'Councillor Call for Action' which asks for the matter to be referred the Overview and Scrutiny Management Board for further investigation.
- 2.2 Any councillor can refer an issue to the Management Board. Issues must relate to the city council's functions, affect all or part of the councillor's ward or any person who lives or works in the ward and can include matters 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.

### **3 How does it work?**

- 3.1 The councillor attempts to resolve the issue at a local level in the usual way e.g. raising it as casework with the appropriate officer and/or portfolio holder, through the formal complaints procedure of the council, with the relevant partner organisation, questions to council/committee, a motion on notice to the city council and so on.
- 3.2 If these approaches don't resolve the matter or if it is a persistent matter, the councillor can refer the issue to the Democratic and Member Support Manager (by using the form at Appendix A) who will discuss it with the chair of the Management Board.
- 3.3 It should be noted that the CCfA is intended to be a measure of last resort and may not be considered until all other avenues have been tried.

### **4 Criteria for considering requests for a CCfA**

#### **4.1 Background information**

Has enough information been provided to enable a view to be taken as to:

- which service/functions of the city council or partner organisation are most relevant to the CCfA?
- whether the request relates to the councillor's ward or to a person who lives or works in the ward?
- what steps have already been taken to try and resolve the issue?

#### 4.2 **Outcome**

Has the councillor clearly stated the desired outcome?

#### 4.3 **Use of existing procedures**

Have the city council's procedures (or partners' procedures) for resolution of issues been used without success? Councillors will need to demonstrate that they have taken reasonable steps to resolve the matter. (See Appendix B)

#### 4.4 **History**

- Has the same issue been the subject of a previous CCfA?
- Is the length of time that has elapsed between the date of the last action by the councilor to try to solve the problem and the request for the CCfA such that the CCfA can no longer be regarded as a timely and suitable method of resolution – a time bar of 6 months is suggested.

#### 4.5 **Vexatious**

Is the matter vexatious/not reasonable? (Likely to cause distress/disruption or irritation without any proper or justified cause?)

#### 4.6 **Discrimination**

Is the subject matter discriminatory? (Discriminates against another in relation to their race/religion/faith/belief/sexual orientation/gender/disability)

### 5 **Referral to scrutiny**

- 5.1 The chair of the Management Board will consider the request and inform the councillor whether they accept the request. In the event of disagreement between the councillor and the chair, the matter will be referred to the Assistant Director of Democracy and Governance.
- 5.2 Reasons the chair of the Management Board may not agree to take the CCfA forward to the Management Board could include:

- Not enough information has been provided
- More could be done to resolve the issue at local level
- The matter has recently been examined by scrutiny
- The matter is the subject of an ombudsman complaint or other official complaints procedure
- The matter is excluded by legislation. For example, planning and licensing applications/appeals
- The CCfA is vexatious or discriminatory

5.3 The Democratic and Member Support Manager will notify the councillor, within 14 days of the request being made, of the outcome of the initial consideration of the CCfA request.

5.4 The councillor may reply to the chair with further information to support the CCfA.

5.5 If the CCfA is accepted, the Management Board will include the CCfA on the agenda at the first available business meeting following the initial consideration of the request.

## **6 Role of the Overview and Scrutiny Management Board**

6.1 The Management Board will hear from relevant witnesses, including the councillor submitting the CCfA, and reach a conclusion as follows:

- Write a report setting out their findings and recommendations to Cabinet/a partner organisation as appropriate
- Decide that the CCfA matter is complex that needs further investigation and refer the matter to another body for more detailed scrutiny (refer it to the appropriate scrutiny panel or set up a task and finish group)
- Decide not to take any action

6.2 The outcome of the meeting will be published and details sent to the councillor who submitted the CCfA, relevant Cabinet members and partners (subject to the rules on confidential and exempt information).

6.3 The councillor who submitted the CCfA will advise the individual(s) who made the initial representations of the outcome of the CCfA.

6.4 Where Cabinet members and partners are asked to take action to resolve a particular issue they will be asked to make a formal response to a future meeting of the Management Board within 28 days, complying with the new requirement, the Duty to Respond.

## Appendix A

### Request for the Overview and Scrutiny Management Board to consider a Councillor Call for Action

Councillor:			
Ward:			
Summary of issue and why it should be raised with the Management Board ( <i>You may wish to attach a letter or an email instead of completing this box</i> )			
CCfA should only be considered as a 'last resort' when you have made all reasonable efforts to resolve the problem. Have you had discussions with any of the following?			
		Date	Contact name/Tel no.
Cabinet Member	Yes/No		
Director/Chief Executive	Yes/No		
Assistant Director	Yes/No		
Other Council officer	Yes/No		
Other ward member	Yes/No		
Partner organisation representative (eg: NHS, police)	Yes/No		
Please give details of the outcome of the discussions you have had (continue on an additional sheet if necessary) <i>or include this information in a letter/email attached to this form.</i>			

What outcome do you hope to achieve from your CCfA?

Certain statutory exclusions apply to the CCfA process. Please answer the following questions:

Does it relate to a complaint made by an individual or organisation? Yes/No

Does it relate to a planning, licensing, Council Tax/Benefit application or appeal? Yes/No

Does it relate to an issue currently under dispute in a court of law? Yes/No

Signed:.....Date:.....

Please complete and return this form to Judith Shore, Democratic and Member Support  
Manager, Plymouth City Council, Council House, Plymouth PL1 2AA  
or email it to: [judith.shore@plymouth.gov.uk](mailto:judith.shore@plymouth.gov.uk)

## Appendix B

### 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) **Resident or stakeholder raises matter with the councillor** at a surgery or other meeting point. The councillor emails or speaks to the appropriate officer and/or portfolio holder and reports back on the action taken. When a reply is received, the councillor advises the resident whether the matter has been resolved or not, and the next steps. If the matter remains unresolved and has wider significance for a community or area, the councillor will refer the matter to the chair of the Overview and Scrutiny Management Board and the Democratic and Member Support Manager.
- 2) **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, the councillor should check that the relevant complaints procedure has been used and that the service provider has responded to the complaint.
- 3) **The appropriate officer has been approached**  
The issue may 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 appropriate senior manager in an attempt to secure the change. This process could apply across the range of partner agencies.
- 4) **Relevant partnerships or local groups have been approached**  
It is more likely that matters which merit a Councillor Call for Action are more complicated than the examples above. 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. For example, it may be appropriate for a councillor to raise an issue at a PACT meeting that covers their local area.
- 5) **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 Management Board will expect to see that the councillor has approached the relevant Cabinet members and at least given them a reasonable opportunity to respond.