

Appendix 11 – Councillor Call for Action (CCfA) Guidance

1. What is a Councillor Call for Action (CCfA)?

- 1.1 Councillor Calls for Action were introduced by section 119 of the Local Government and Public Involvement in Health Act 2007 ('the Act'). They are one of a number of measures aimed at empowering local people and communities, improving local democracy and accountability and strengthening the role of Councillors as community leaders and advocates.
- 1.2 A CCfA gives powers to Councillors to help them tackle local problems on behalf of their constituents by calling for consideration of any issue of concern affecting their division by the Scrutiny Committee, including the Health Overview and Scrutiny Committee.
- 1.3 Section 119 of the Act inserts a new section 21A into the Local Government Act 2000 which enables any Member of the authority to refer any local government matter to the Scrutiny Committee, whether or not the Member is a member of that committee, and to have this matter discussed at a meeting of the committee. A "local government matter" is defined as a matter which:
- relates to the discharge of any function of the authority,
 - affects all or part of the electoral area for which the Member is elected or any person who lives or works there, and
 - is not an excluded matter (see section 5 below)
- 1.4 Section 126 of the Act makes provision for CCfA's on crime and disorder matters – see section 3 below.

2. Existing provisions in the County Council's Constitution

- 2.1 The County Council's constitution allows a wide remit for the Scrutiny Committee. Article 5 provides that:
- (i) The Council appoints the Scrutiny Committee from among the non-executive Members of the Council to review or scrutinise decisions made or other action taken in accordance with:
 - a) any functions which are the responsibility of the Executive, including decisions made/actions taken directly by the Executive itself and those decisions/actions delegated to Chief Officers and individual Members of the Executive; and
 - b) any functions which are not the responsibility of the Executive.
 - (ii) The Scrutiny Committee may make reports or recommendations to either the Cabinet or to the County Council with respect to:

- a) the discharge of any functions which are the responsibility of the Executive;
- b) the discharge of any functions which are not the responsibility of the Executive; or
- c) matters which affect Norfolk or its inhabitants.

3. Crime and disorder matters

3.1 Section 19 of the Police and Justice Act 2006, as amended by section 126 of the Local Government and Public Involvement in Health Act 2007, requires every local authority to have a crime and disorder committee with the power to review and scrutinise, and make reports and recommendations, regarding decisions made or other action taken by the responsible authorities in connection with the discharge of their crime and disorder functions. For Norfolk, these “responsible authorities” are:

- the County Council
- District councils
- Norfolk and Suffolk Community Rehabilitation Company
- the Chief Constable for Norfolk Constabulary
- Health – Clinical Commissioning Groups
- Norfolk Fire and Rescue Service

3.2 At the County Council, the Scrutiny Committee will act as the designated Crime and Disorder Committee.

3.3 Section 126 of the Local Government and Public Involvement in Health Act 2007 provides for any Member to refer any local crime and disorder matter to the Crime and Disorder Committee and have it discussed at a meeting of the Committee. A “local crime and disorder matter” is defined as a matter concerning:

- crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour and other behaviour adversely affecting the local environment), or
- the misuse of drugs, alcohol and other substances,

which affects all or part of the electoral area for which the Member is elected or any person who lives or works in that area.

3.4 Where the crime and disorder committee makes a report or recommendations in response to a CCfA, it must provide a copy to any of the responsible authorities for crime and disorder (see section 3.1.above) or any other individuals or bodies as it considers appropriate. Any organisation or individual who is provided with such a report or recommendations has a duty to:

- consider the report or recommendations
- respond to the crime and disorder committee indicating what (if any) action it proposes to take
- have regard to the report or recommendations in exercising its functions

4. Before making a Councillor Call for Action

4.1 Guidance makes it clear that CCfA's are intended as a last resort, to be used when all other means of resolving an issue have proved to be unsuccessful. As a minimum, it is expected that the Councillor concerned will have satisfied themselves that the issue is not an excluded matter (see section 5 below), and has approached at least the following to seek a resolution:

- any relevant local service manager
- any relevant partnership bodies or local groups
- the relevant Cabinet Member
- the relevant District Councillor(s)

5. What a Councillor Call for Action should NOT be used for

5.1 The following matters are "excluded matters" that cannot be the subject of a Community Call for Action:

- Any matter relating to a licensing or planning decision.
- A 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 Commission for Local Administration in England – otherwise known as the Local Government Ombudsman).
- A matter which is vexatious, discriminatory or not reasonable to be on the agenda for, or discussed at, a meeting of the Scrutiny Committee.

5.2 However, a matter which consists of an allegation of systematic failure of an authority to discharge a function for which the authority is responsible may be referred to the Scrutiny Committee, notwithstanding the fact that the allegation specifies matters which are outlined in paragraph 5.1 above.

6. The CCfA process at Norfolk County Council

6.1 The same process will apply irrespective of whether the CCfA concerns a "local government matter" or "a crime and disorder matter".

6.2 Notice of a CCfA should be sent in writing to the Head of Governance and Regulatory Services. Such notice should include the following information as a minimum:

- A summary of the issue involved
- What outcomes the local Member is hoping to achieve

- Action already taken, including details of people and organisations already contacted and why this has failed to resolve the issue
- Key dates or timescales, if relevant

The CCfA should be accompanied by any other supporting information, having regard to confidentiality and Freedom of Information issues.

6.3 On receipt of a CCfA, the Assistant Director of Governance (Democratic and Regulatory Services)will, as appropriate:

- Establish that the subject of the CCfA is not an excluded matter
- Advise the Member concerned of other possible means of resolving the issue or other information requirements

6.4 Legitimate CCfA's will be referred by the Assistant Director of Governance (Democratic and Regulatory Services)to the Chair of the Scrutiny Committee and the supporting officer(s). Where the Assistant Director of Governance (Democratic and Regulatory Services)considers the matter to be urgent, it will also be placed on the agenda for the next meeting of that committee. If the matter is not considered urgent, it will be placed on the scrutiny work programme for the next meeting so a way forward and timescale for its consideration can be agreed by the full committee.

6.5 Whilst it is not a requirement, it is expected that the Member making the CCfA will attend the committee meeting to introduce the issue and answer any questions.

6.6 Where a CCfA is listed as a separate agenda item on a committee's agenda, it will be considered as a scrutiny item and the usual processes will be followed e.g. the relevant Cabinet Member(s) and any other internal or external stakeholders will be invited, and reports requested, as appropriate.

6.7 Copies of any reports or recommendations made by the Scrutiny Committee in response to a CCfA must be provided to the Member who initiated it. Similarly, where a Committee decides not to make a report or recommendations, it must notify the Member concerned of its decision and the reasons for it.

7. Involvement of external partners

7.1 The 2007 Act gives the Scrutiny Committee of the County Council greater powers to scrutinise services outside of the Council and to require a response from the providers of those services (see sections 1.4 and 3.1 above). It is important that this scrutiny takes place in an atmosphere of informed trust and co-operation.