

Section 7 – Councillor call for action

5.7.1 Introduction

- 5.7.2 The CCfA, in brief, allows any member of the council to refer a “local government” matter to a scrutiny committee and require them to consider the matter.
- 5.7.3 The purpose of CCfA is to help councillors resolve issues of local concern on behalf of their residents.
- 5.7.4 The CCfA is also an opportunity to look at the range of solutions open to members to solve problems.
- 5.7.5 The best practice guidance produced on behalf of the government states that CCfA will be a means of “last resort” in a broad sense with issues being referred to a scrutiny committee only after other avenues have been exhausted.
- 5.7.6 Other avenues available to councillors to resolve matters to be addressed first include:
- (a) that relevant complaints procedures have been complied with
 - (b) that the relevant director has been approached
 - (c) that the relevant cabinet member has been approached
 - (d) that any relevant partnership bodies or local groups have been approached.
- 5.7.7 It is also important that the councillor considers whether any of the following approaches would be more appropriate:
- (a) formal letters written on behalf of constituents
 - (b) public meetings
 - (c) petitions
 - (d) motions on the agenda at full council
 - (e) communication with local MPs
 - (f) communication with councillors in other councils
 - (g) web or e-mail based campaigns.
- 5.7.8 Issues statutorily excluded from CCfA**
- 5.7.9 The following matters are specifically excluded from CCfA:
- (a) any matter relating to a planning decision
 - (b) any matter relating to a licensing decision

- (c) any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment
- (d) any matter which is vexatious, discriminatory or not reasonable to be included in the agenda for or to be discussed at, a meeting of the overview and scrutiny committee.

Except where the function in question:-

- (i) has not been discharged at all;
- (ii) is systematically not being discharged in a way that it should be;

irrespective of whether the function is subject to the right of review or appeal in law).

5.7.10 What the CCfA can provide

Recognition that an issue is significant enough for time, attention and resources to be spent in trying to resolve it;

- (a) A public forum for discussion of the issues;
- (b) An opportunity to discuss the issues in a neutral environment;
- (c) An opportunity to discuss a problem with the explicit and sole aim of solving it;
- (d) A high-profile process owned by the ward councillor.

5.7.11 Resolution of an issue

5.7.12 The concept of resolution is arguably at the centre of CCfA – ensuring that CCfA actually helps councillors to resolve intractable issues. The purpose of CCfA is to provide resolution where other techniques might not be able to do so.

5.7.13 To assist in establishing what would represent resolution it will be expected that:

- (a) the councillor bringing the CCfA will be clear at the outset as to what the expected outcomes are.
- (b) the committee discussion will focus on these expected outcomes.
- (c) the committee will challenge the expected outcomes at the outset if it is felt that these outcomes are unreasonable, however, where this is the case there is a clear expectation that discussion will take place with the councillor to modify and reach an accord on expectations with the councillor having the final say.

5.7.14 Conventions

5.7.15 It will be a convention that where a matter has previously been the subject of a call in (within the last six months and there have been no material changes in circumstances as is currently the case with notices of motion) that the person lodging the CCfA will be asked to withdraw it. If they still wish to pursue the matter a report will be made to the next meeting of the relevant scrutiny committee recommending rejection of the CCfA without further action.

- 5.7.16 Where the relevant councillor has clearly not complied with the expectation that other means to resolve matters will be addressed first (as outlined in section 5.7.6 – 5.7.7 above) the member lodging the CCfA will be asked to withdraw it until they have explored those other means. If they still wish to pursue the matter a report will be made to the next scheduled meeting of the relevant scrutiny committee recommending rejection of the CCfA without further action until those steps have been explored.
- 5.7.17 It will be a convention that where a CCfA is lodged as an issue and has been concluded no further CCfA will be raised on an issue on substantially the same point.

Crime and disorder matters

- 5.7.18 Under the Police and Justice Act 2006 a broadly similar CCfA procedure can be followed in relation to “crime and disorder” functions. Such matters must be considered by a committee designated by the council as its crime and disorder committee.

Procedure

- 5.7.19 The guidance states that some processes and procedures are necessary to ensure that CCfA is targeted and relevant and that it occupies a central role in improving services but that these should not be too prescriptive. The procedure for dealing with CCfAs is set out below:

1.	If a councillor wishes to initiate a CCfA they must provide, in writing, full details of the issue concerned, including an explanation of what the issue is, why it is being raised as a CCfA and the steps that have been taken to resolve the issue and submit it to: councillorservices@herefordshire.gov.uk
2.	Governance services will confirm within three days whether the CCfA falls within any of the statutory exempt criteria (see 5.7.9 above,) or is vexatious, discriminatory or not reasonable to include in the agenda for a meeting of the relevant scrutiny committee.
3.	If the CCfA is accepted governance services will: <ul style="list-style-type: none"> (i) inform the chairperson of the relevant scrutiny committee, relevant cabinet member, monitoring officer, chief executive, relevant director and any relevant partner agencies (ii) request those listed above to confirm within five working days that they agree that the CCfA fully reflects the position and that there are not, for example, any initiatives in hand to resolve the subject in issue and asked if they have any other observations on the CCfA (including in particular the proposed outcomes and critical deadlines) (iii) inform the communications.
4.	If the relevant councillor lodging the CCfA has clearly not complied with the expectation that other means to resolve matters will be addressed first they will be advised of the alternative means of resolution to be pursued. If

	they still wish to progress the CCfA a report will be made to the next scheduled meeting of the relevant scrutiny committee explaining the position and recommending rejection of the CCfA without further action until those other steps have been explored.
5.	<p>Once the grounds for the CCfA to proceed are established, the chairperson of the relevant scrutiny committee and officers will then meet the councillor raising the CCfA. This will be within 15 working days of the submission of the CCfA.</p> <p>If it is considered that any of the desired outcomes are considered unreasonable negotiations may take place.</p> <p>At this meeting the chairperson of the relevant scrutiny committee and officers will consult and negotiate with the member who submitted the CCfA on the required information and witnesses for the relevant scrutiny committee meeting and agree timescales, venue and publicity requirements.</p>
6.	The committee will meet to consider the CCfA either as part of a scheduled meeting or at an extraordinary meeting as agreed by the chairperson. The expectation will be that the meeting will be held in public unless there are statutory grounds in accordance with the access to information rules in Part 4 section 2 .
7.	The committee could determine no action be taken in response to the CCfA, make recommendations; or agree that the issue is complex and requires further investigation and review.
8.	The councillor who raised the CCfA, relevant cabinet members, officers and partner organisations will formally be notified of the outcome of the scrutiny committee's consideration within five working days of the meeting and invited to respond as appropriate.
9.	A response to any recommendations made by the scrutiny committee will be reported to the next scheduled meeting or within two months whichever is the shorter.