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| SCRUTINY COMMITTEE | Agenda Item No. 6 |
| 6 APRIL 2009 | Public Report |

Report of the Deputy Chief Executive

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COUNCILLOR CALL FOR ACTION

1. PURPOSE

- 1.1 To inform the Committee of the Councillor Call for Action (CCfA) which will come into effect from 1 April 2009.

2. RECOMMENDATIONS

- 2.1 That the Committee:

- (i) notes the requirements of the Councillor Call for Action
- (ii) agree that ongoing work is undertaken to develop protocols and necessary amendments to the Constitution

3. BACKGROUND

- 3.1 The Councillor Call for Action (CCfA) was introduced by the Local Government and Public Involvement in Health Act 2007 and Police and Justice Act 2006 and is designed to help councillors solve problems in their wards.
- 3.2 The Centre for Public Scrutiny (CfPS) has issued best practice guidance to support councils in using the new powers and copies of the full document are available on request from the Scrutiny Manager.
- 3.3 CCfA is designed to help strengthen the councillors' role as a champion for local concerns. It is also a clear recognition by the government of the role of overview and scrutiny in contributing to the community leadership of the council.

Local Government Matters

- 3.4 The provisions under the 2007 Act entitle all councillors to refer a 'local government matter' to an overview and scrutiny committee once they have exhausted all other means of resolving the issue. A 'local government matter' is defined as an issue which relates to the discharge of any function of the Authority, affects all or part of the electoral area for which the councillor is elected or any person who lives or works in that area, and is not an excluded matter.
- 3.5 The Government has issued regulations defining what is an excluded matter and these are:
- issues which are vexatious, discriminatory or not reasonable to included in the agenda or discussed at an overview and scrutiny committee
 - planning and licensing decision matters
 - issues relating to an individual or entity where there is already a right to a review or appeal

The Order clarifies that systematic failures in the discharge of the Council's functions are within the scope of CCfA, even if they mention individual cases, which would otherwise be excluded.

Crime and Disorder CCfA

- 3.6 The Police and Justice Act 2006 sets out the CCfA for crime and disorder and community safety issues. The provisions for the 'crime and disorder CCfA' are essentially identical to the general CCfA. 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 or other behaviour adversely affecting the local environment), or
 - the misuse of drugs, alcohol and other substances that affects the electoral area represented by the member, or the people who live or work in that area.
- 3.7 Although the Act requires these issues to be considered by the 'crime and disorder committee' in practice this does not require the setting up of a separate committee and does not require separate arrangements. In Peterborough the relevant committee is currently the Community Development Scrutiny Panel.

4. KEY ISSUES

- 4.1 The Council's Constitution already gives power to individual councillors to put items on overview and scrutiny agendas but the CCfA goes beyond this. The new power gives all councillors the ability to call for debate and discussion at a committee a topic of neighbourhood concern. However, the powers are limited to issues affecting single council wards.
- 4.2 It is important that CCfA is used only as a last resort, when all other attempts at resolution have failed. It is not designed to provide an immediate solution, but high-profile community discussion of an issue involving all stakeholders. It offers the chance to bring a pressing issue to a wider audience and to discuss such issues in a neutral forum. Councillors will be provided with routes to seek advice on what can and cannot be pursued as a CCfA including signposting to alternative resolutions.
- 4.3 There are a wide range of alternative avenues councillors can pursue to influence and resolve problems, both formal and informal, such as: discussions with officers, questions at committee, formal letters on behalf of constituents and petitions.
- 4.4 CCfA should not be regarded in isolation, as part of the scrutiny function alone. Being able to use it effectively requires using a range of other functions, including support for councillors' ward work, the complaints process, call-in and petitions.
- 4.5 The overview and scrutiny committee is required to put the matter on its agenda, and discuss it at a meeting. All the powers it has – to mount inquiries, to require information, and to make reports and recommendations – are available to it, if it decides to take the matter up, unless it is an excluded matter.
- 4.6 The CCfA needs to relate to a 'local government matter'. This can be interpreted narrowly, to mean only those issues under the direct control of the council, however to give full effect to CCfA the guidance recommends that the interpretation of 'local government matter' is broader. This includes issues relating to the council's partners, in line with the area focus of the Comprehensive Area Assessment (CAA), and the fact that a council's duties increasingly impact on other organisations, and involve partners within and outside the Greater Peterborough Partnership (GPP).
- 4.7 Under the 2007 Act overview and scrutiny committees have the power to request information from certain partner organisations and to invite representatives from partner organisations to attend where relevant. CCfA is therefore an opportunity to bring about solutions for local problems using the influence that scrutiny can provide in bringing together a range of partners and produce innovative thinking around an issue.
- 4.8 It is important to be clear exactly what overview and scrutiny can achieve. They are able to make reports and recommendations to the Council's Cabinet and to partner organisations.

Overview and scrutiny is not, and will not, be able to prescribe any particular course of action.

5. EXPECTED OUTCOMES

- 5.1 That the Committee note the requirements of the CCfA and agree that ongoing work is undertaken to develop protocols and necessary amendments to the Constitution.

6. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 6.1 Councillor Call for Action – Best Practice Guidance (CfPS)

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