

Councillor Call for Action

What is a Councillor Call for Action (CCfA)?

Councillor Call for Action was introduced in April 2009 under Section 119 of the Local Government and Public Involvement in Health Act 2007. Whilst the existing statutory guidance remains, the Localism Act 2011 amended the provisions relating to Councillor Call for Action.

The process puts local councillors at the heart of dealing with issues of concern in their local communities. It gives councillors a central role in calling to account the work of council services and other agencies at a local level. When concerns arise – either as a result of information from individuals, community groups or councillors’ own observations, councillors should be able to trigger a response from service providers and help ensure the concerns are dealt with.

Call for Action provides councillors with a means of last resort, after all other avenues to resolve a matter have been exhausted, to request that an issue affecting their ward and constituents is raised at a scrutiny board.

What can a CCfA include?

As well as council specific functions, members can use CCfA in relation to the Council’s partners and their responsibilities.

Local health bodies and crime and disorder issues are subject to Councillor Call for Action through specific legislation. In Sandwell, the Councillor Call for Action process covers all calls for action regardless of their legislative basis. The only difference in process will be that where a Call for Action relates to a ‘crime and disorder’ matter, the Police and Justice Act 2006 determines that such issues have to be dealt with by the designated ‘Crime and Disorder Committee’, which for Sandwell Council is the Safer Neighbourhoods and Active Communities Scrutiny Board.

The power to refer a matter is available only where the matter is of direct concern to the ward that the councillor represents. A councillor can refer a matter even if a resident has not asked them to.

Councillor Call for Action can be used when a councillor feels that a matter has not been resolved, or insufficient action has been taken to try to resolve it. As such, the process should make it easier for issues that would benefit from scrutiny to rise to the surface and for those issues which are best dealt with through other means to be signposted accordingly.

Ward councillors may be approached by residents in their ward to champion a Councillor Call for Action on their behalf. Members need to be well placed to explain that championing a Councillor Call for Action is the last resort and that a Councillor Call for Action is not guaranteed to resolve a problem. It is important for all people involved in a Councillor Call for Action to be aware that scrutiny has no power to resolve issues and can only make recommendations to the Council's Executive or partner organisations.

The Councillor Call for Action is separate to the power given to certain councillors to place any item onto a scrutiny agenda. Ward related issues will now be treated under the Councillor Call for Action process and any other requests for an issue to be placed on a scrutiny agenda will be dealt with according to the relevant section of the constitution.

What is not included in the CCfA?

Consideration of individual complaints is excluded from the Councillor Call for Action process. However, where there is evidence of a substantial number of similar complaints in a locality that suggest failure in service delivery, a Councillor Call for Action request would be appropriate, even if individual complaints are satisfactorily resolved.

The Councillor Call for Action process cannot be used in the following circumstances:-

- If the issue is not a ward concern. Call for Action does not apply to Borough wide issues and/or strategic policy issues.

- If the member raising the Call for Action is not the ward councillor for the area where the problem is occurring. Councillor Call for Action is a mechanism for ward councillors to raise concerns over problems in their own ward.
- If the request is vexatious. The definition of 'vexatious' will be as outlined in the [guidelines issued by the Information Commissioner's Office](#) in relation to applications made under the Freedom of Information Act.
- If the request is discriminatory as defined within equalities legislation.
- If the request is not reasonable. The guidelines suggest that the criteria for making a judgement on whether a matter is not reasonable will be similar to those applying to vexatious requests.
- Matters relating to quasi-judicial decisions such as planning and licensing applications.
- Education Admission and Exclusion Appeals decisions.
- Any other matter where an individual has a statutory right of review or appeal.
- Complaints with regard to non-domestic rates.
- An individual complaint (that is a complaint made by an individual that relates to the individual service that the Council or a partner provides to them, such as the collection of their own rubbish) which can be dealt with through the complaints process of the Council and/or its partners.

Councillor Call for Actions will not be processed during the period between a Notice of Election being issued and the date of that Election. Such requests will be deferred for consideration after the election.

In considering whether a Councillor Call for Action falls within one of the categories of excluded matters, the Proper Officer will judge each case on its merits.

There is a clear and specified process for dealing with a Councillor Call for Action. This will be followed in relation to all such requests.

Source Documents

[The Local Government and Public Involvement in Health Act 2007](#)

[The Localism Act 2011](#)

[The Police and Justice Act 2006](#)

Councillor Call for Action, best practice guidance; Centre for Public Scrutiny and IDeA (not currently available online)

Councillor Call for Action - Process

1. Upon an approach from a citizen to pursue a Councillor Call for Action, the ward councillor shall consider the matter and respond in writing using the [CCfA Initial Response Form](#) to the person who asked them to consider it, within one week, indicating what (if any) action they propose to take.
2. Where the ward councillor has decided to champion the Councillor Call for Action (either from their own observations in their ward or at a request of a citizen), they must complete the [CCfA Referral Form](#), setting out the steps that have been taken to resolve the matter so far, and send the completed form to the Statutory Scrutiny Officer (Democratic_Services@sandwell.gov.uk).
3. The Statutory Scrutiny Officer will examine the referral to ensure that it meets the criteria for a CCfA and respond to the referring ward representative within three working days.
4. Subject to 3 (above) the Statutory Scrutiny Officer will forward the completed [CCfA Referral Form](#), to the relevant Director(s), Cabinet Member(s) or relevant partner organisation(s) and ask them to investigate and respond within five working days, to confirm whether or not the steps already taken to resolve the matter (as set out by the referring ward representative in the Referral Form) are correct and have been exhausted, or whether more can be done to address the matter.

The Chair of the Scrutiny Management Board, and relevant scrutiny chair will also be informed of the potential CCfA.

5. If further steps can be taken to address the matter, the director/cabinet member/partner organisation, will have a further 10 working days within which to resolve the matter and will set out in the [CCfA Referral Form](#) what further steps they have taken. The Referral Form must then be returned to Democratic Services.
6. If:-
 - (a) the relevant Director(s), Cabinet Member(s) or relevant partner organisation(s) confirm that all avenues to resolve the matter have been explored;

- (b) a resolution is not achieved as a result of the further steps taken (as per steps 6 and 7 (above))
- (c) a response is not received from the relevant Director(s), Cabinet Member(s) or partner organisation(s) within five working days;

the Statutory Scrutiny Officer will refer the Councillor Call for Action to the relevant scrutiny chair.

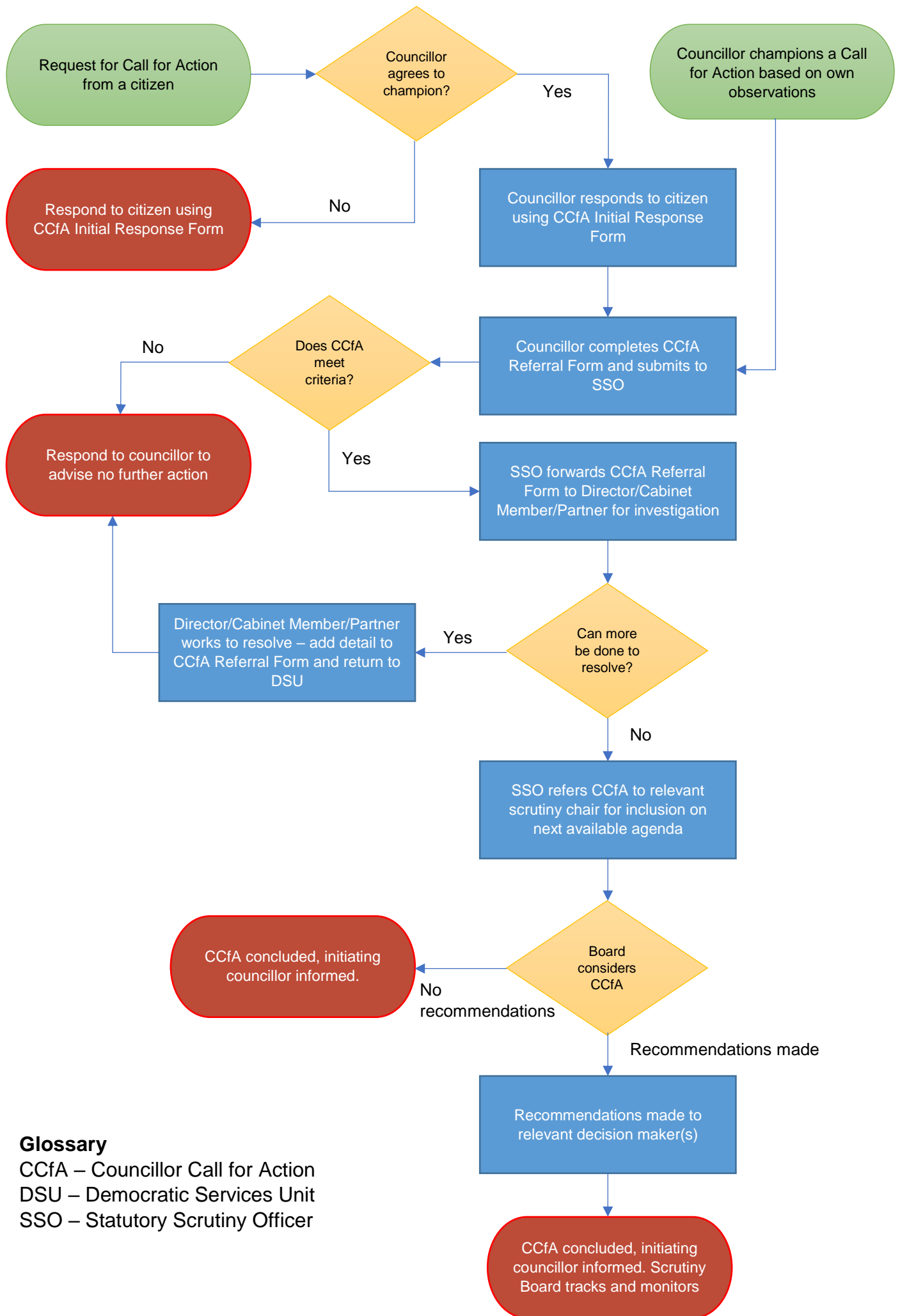
7. The Councillor Call for Action will normally be placed on the next available agenda for the relevant Scrutiny Board. A special meeting can be called to consider the Councillor Call for Action if it is deemed to be of a time critical nature or where placing it on the next available agenda would be detrimental to the Board's established work programme.
8. The following people will be expected to attend the meeting:-
 - (a) relevant Director(s), assistant director or service manager;
 - (b) relevant cabinet member(s);
 - (c) relevant partner organisation(s);
 - (d) the referring ward representative.

The referring ward member may also request the attendance of any witnesses to give evidence in relation to the subject matter of the CCfA.

If the referring ward representative is unable to attend, another representative of the same ward may attend in their place. In the event of the referring member or his/her representative failing to attend the meeting, at the discretion of the Chair, the item may be withdrawn from the agenda without discussion.

9. Having heard the Councillor Call for Action, the Scrutiny Board may:-
 - (a) decide that there are no recommendations to make to the Executive or partner organisations and the Councillor Call for Action will be considered to be concluded;
 - (b) make recommendations to the Executive or a partner organisation that attempt to resolve the matter.
10. Where recommendations are made as per 10(b) (above) the following timescales for response will apply, and written responses will be expected:-

- (a) the executive and partner organisations* will be expected to respond within two months of the date of receipt of the recommendations;
 - (b) *health organisations will be expected to respond within 30 days;
11. The scrutiny board will monitor the responses and progress on implementation of any accepted recommendations as part of its routine tracking and monitoring activity.



Glossary

CCfA – Councillor Call for Action
 DSU – Democratic Services Unit
 SSO – Statutory Scrutiny Officer

Meeting Procedure

The process at a scrutiny board meeting convened to consider a Councillor Call for Action will be as follows:

- (a) The referring member to be invited to introduce the reasons for the Councillor Call for Action.
- (b) Cabinet Member(s) to be invited to respond to the Councillor Call for Action.
- (c) Director(s) and other officers to be invited to speak.
- (d) Members to ask questions on the Councillor Call for Action and the response from Cabinet Member(s) and/or officers.
- (e) The Chair will facilitate debate and discussion of the topic. This may include inviting attendees to further address the meeting.
- (f) Members to determine what action the board wishes to take in relation to the Councillor Call for Action:
 - No action;
 - Make recommendations.