



Constitution: Part 5F

<b>Title:</b>	<b>Constitution of the Council (Part 5F: Councillor's Call for Action Guidance)</b>
<b>Owner:</b>	<b>John Teasdale</b>
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Adopted by Full Council on 12<sup>th</sup> December 2022

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# COUNCILLOR'S CALL FOR ACTION GUIDANCE

## 1 BACKGROUND

- 1.1 The Local Government and Public Involvement in Health Act 2007- requires the Council to allow Councillors to place items on the agenda for overview and scrutiny committee meetings – this procedure is commonly called 'Councillor's Call for Action' ("CCfA"). The Council's Constitution already provides for this. This document is intended to give further guidance to Councillors about how to use this right and the steps that will be taken if they raise a CCfA.
- 1.2 Councillors may make a CCfA in respect of:
  - 1.2.1 a local government matter affecting their electoral area, or any person who lives or works there;
  - 1.2.2 a local crime and disorder matter affecting their electoral area, or any person who lives or works there.
- 1.3 CCfA's will be discussed by the relevant Scrutiny Committee.
- 1.4 This is meant to be a measure of last resort, to be used when other ways of resolving the matter have been exhausted.

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## 2 BEFORE MAKING A CCfA

- 2.1 Ward councillors are expected to identify matters of concern to their constituents and to work with and on behalf of their local community to resolve them. The majority of these will be dealt with as ward issues and it is not the intention of the CCfA process to change this. There are many ways to deal with such issues including:
  - 2.1.1 informal discussions with, for example, MPs, other councillors, officers, public bodies, partnerships or organisations;
  - 2.1.2 formal letters written on behalf of constituents, including to other authorities or MPs;
  - 2.1.3 public meetings;
  - 2.1.4 encouraging constituents to make appropriate use of statutory processes (e.g. for complaints) or mechanisms such as petitions;
  - 2.1.5 questions to Cabinet Members;

- 2.1.6 motions on Full Council agendas.
- 2.2 Councillors should use all other lawful means before making a CCfA.

### 3 WHAT IS A CCfA?

- 3.1 A CCfA must:
  - 3.1.1 relate to the discharge of a function of the Council;
  - 3.1.2 relate to the discharge of a function of one of the Council's partners where the Council has a right to scrutinise that activity; or
  - 3.1.3 have a crime and disorder aspect.
- 3.2 A CCfA must also
  - 3.2.1 have a direct affect on all or part of the ward for which the Councillor is responsible; and
  - 3.2.2 not relate to any matter which the Secretary of State has excluded (statutory processes such as planning and licensing).
- 3.3 The Council has decided that a CCfA issue should relate to:
  - 3.3.1 a neighbourhood or locality issue;
  - 3.3.2 the quality of public service provision;
  - 3.3.3 a matter of genuine local community concern; or
  - 3.3.4 a persistent problem which has not otherwise been resolved.
- 3.4 A CCfA issue should not relate to:
  - 3.4.1 an individual complaint – established complaints procedures should be used;
  - 3.4.2 the questioning of decisions taken but not yet implemented by the Council – the “call-in” mechanism should be used (as set out elsewhere in the Council's Constitution);
  - 3.4.3 the questioning and scrutinising of wider policy issues which should more properly be addressed as part of the formal scrutiny work programme;
  - 3.4.4 resolving urgent issues, as the investigative and committee processes involved may not allow a quick decision to be taken on a matter.
- 3.5 CCfA must be used responsibly by Councillors and not, for instance, as a means of diverting persistent complainers away from individual councillors. Care will need to be taken to ensure that the process is operated efficiently and consistently.

## 4 MAKING A CCfA

- 4.1 If a Councillor receives a request for action they should gather information and evidence on the background to the issue to enable an informed decision to be taken as to whether to proceed with a CCfA.
- 4.2 The Councillor should then consider whether any other steps can reasonably be taken to deal with the issue (see paragraph 2 above).
- 4.3 If the Councillor decides, having investigated the matter and taken any relevant advice, that a CCfA is the correct course of action, they should complete the CCfA Form attached as Appendix 1 to this Guidance and send this Democratic Services.

## 5 HANDLING CCfA REQUESTS

- 5.1 It is not the intention that the CCfA process should be overly bureaucratic. However, it is important that CCfA requests are monitored and properly recorded. Councillors may wish to inform Democratic Services about a potential request for a CCfA at an early stage.
- 5.2 Democratic Services will log CCfA Forms in the order in which they are received.
- 5.3 An officer will be identified who will act as the lead officer and contact point and who will be responsible for reporting back to the Councillor on action taken. The lead officer will initially try to resolve the issue without referring the matter to a Scrutiny Committee.
- 5.4 If the Councillor then decides that the matter has been satisfactorily resolved or dealt with, the matter will be closed.
- 5.5 If however, the Councillor is not satisfied with the response, the matter will be referred to the Chair or Vice Chair of the relevant Scrutiny Committee who will refer valid CCfA's to the next appropriate meeting of that Committee.

## 6 CONSIDERATION OF CCfA'S

- 6.1 The relevant Scrutiny Committee will consider the issue and the action taken to date to resolve the problem and will then decide whether to:
  - 6.1.1 make immediate recommendations to Cabinet;
  - 6.1.2 request further information or evidence from the ward councillor;
  - 6.1.3 ask officers to look at the issue and report back;
  - 6.1.4 invite and talk to other stakeholders;

Constitution: Part 5F

- 6.1.5 set up a task group to carry out a more detailed investigation and report back;
- 6.1.6 take no further action.
- 6.2 If at any stage the relevant Scrutiny Committee decides the issue should not proceed further, the ward Councillor will be given an explanation as to why this is the case.
- 6.3 Once the relevant Scrutiny Committee has completed its consideration of the CCfA, they shall consider whether or not to make recommendations to the Cabinet or the governing body of a partner organisation.
- 6.4 Cabinet will consider any recommendations within two months and shall respond to the recommendations.
- 6.5 The ward Councillor who lodged the CCfA request will be notified of the Cabinet's response.

## Appendix 1 – Councillor’s Call for Action Form

Name of Ward Councillor:	
Ward:	
The matter which you wish to be considered:	
How does the matter relate to: <ul style="list-style-type: none"> <li>▪ a function of the Council;</li> <li>▪ a function of one of the Council’s partners where the Council has a right to scrutinise that activity; or</li> <li>• a crime and disorder aspect?</li> </ul>	
How does the matter relate to your ward?	
What action has already been taken to resolve this matter and what has been the outcome?	
What outcome/s would you like to see?	
Have you identified any sources of evidence or witnesses relevant to this matter? <i>(Please seek permission from the individuals concerned before supplying any personal data.)</i>	

Signed .....

Date .....

Constitution: Part 5F

Please post the completed form to Democratic Services, East Staffordshire Borough Council, Town Hall, Burton upon Trent, Staffordshire DE14 2EB or email it to [andrea.davies@eaststaffsbc.gov.uk](mailto:andrea.davies@eaststaffsbc.gov.uk) / [monica.henchcliffe@eaststaffsbc.gov.uk](mailto:monica.henchcliffe@eaststaffsbc.gov.uk)

*For office use only:*

Date of receipt:	
Lead officer:	
Date referred to lead officer:	
Date when Ward Councillor notified:	
Date considered by Chairman / Vice Chairman of relevant Scrutiny Committee:	
Outcome:	
Date when outcome notified to Ward Councillor:	