

WIRRAL COUNCIL

CABINET - 9 DECEMBER 2009

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

COUNCILLOR CALL FOR ACTION PROTOCOL

EXECUTIVE SUMMARY

The Scrutiny Programme Board considered this report and a draft Protocol in respect of the 'Councillor's Call for Action' (CCfA) at its last meeting on 4 November 2009. The Board was happy with the Protocol. It therefore, agreed that it be circulated to all Members of the Council requesting comments within a two week period. This was done and no comments were received. It was also agreed that this draft Protocol would be referred to the Cabinet for comments and approval and the Council for adoption.

The Director of Law, HR and Asset Management offered to prepare a checklist of evidence to help Members gather information to assist a Councillor Call for Action. This has been drafted and will be considered by the Scrutiny Programme Board at its next meeting with a proposal that it is appended to the Protocol. Once the content has been agreed it will also be referred to the Cabinet/Council for its comments/approval/adoption.

It is important to note that the CCfA should only be taken as a last resort when all other avenues available to a Councillor to address the identified problem have failed.

1. Background

- 1.1 The Local Government and Public Involvement in Health Act 2007 includes new powers that enable all Councillors to ask for discussions at Overview and Scrutiny Committees on issues where local problems have arisen and other methods of resolution have been exhausted.
- 1.2 This has become known as the (CCfA). It came into force on 1 April 2009.
- 1.3 A draft Protocol was drawn up to help Councillors understand what (CCfA) means to them and details a proposed procedure for dealing with them in Wirral.

2. Introduction

- 2.1 The CCfA, alongside Government regulations that require a wide range of agencies to cooperate with scrutiny, is intended to provide extra support to the vital work undertaken by Councillors in their communities as Community Champions. CCfA also increases the accountability of public service providers to local communities.
- 2.2 The Police and Justice Act 2006 allows Councillors to raise crime and disorder issues. Council's were required to start the new CCfA process from 1 April 2009.
- 2.3 In the Local Government White Paper, 'Strong and prosperous communities,' the Minister for Communities and Local Government said:

'Local communities are represented by their democratically elected Councillors. We want to strengthen the ability of local Councillors to speak up for their communities and demand an answer when things go wrong. We

propose that this role should be exercised by individual Councillors through a 'Call for Action' or collectively by Councillors through the Overview and Scrutiny Committee.'

3. What's new about the CCfA?

3.1 What makes the CCfA different from a more general request for scrutiny is:

- The focus of the CCfA is on **neighbourhood** or **locality** issues and specifically the **quality** of public service provision at a locality level.
- The CCfA represents a genuine local **community** concern - based on local Councillors' judgements - and
- It is a **persistent** problem that the local Councillor has **not been able to resolve** through local action and discussion with the Cabinet or relevant services and agencies.
- From 1 April 2009 Councillors are under a **legal duty** to consider requests from members of the public on certain issues.

4. What the CCfA is Not:

4.1 Scrutiny is not suitable for dealing with individual complaints. The Council and partner agencies have separate complaints systems for this purpose. In replying to public requests for CCfA, local Councillors will need to make a judgement about whether the issue is a possible CCfA or should be dealt with in another way.

4.2 Also a CCfA is not suitable for dealing with issues that relate to individual 'quasi judicial' decisions – for example planning or licensing matters.

5. How Will It Work In Practice?

5.1 The CCfA draft Protocol is set out in the following pages:

RECOMMENDATIONS: That the Cabinet is requested to

- (1) comment/make amendments to this Protocol; and
- (2) consider the draft checklist of evidence at its next meeting with a view to commenting on it before it is appended to the Protocol and presented to the Council for adoption.