

# WIRRAL COUNCIL

CABINET - 4 FEBRUARY 2010

## REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

### COUNCILLOR CALL FOR ACTION – RECORD AND EVIDENCE TRAIL

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#### EXECUTIVE SUMMARY

The Scrutiny Programme Board considered a report and a draft Protocol in respect of the 'Councillor's Call for Action' (CCfA) at its last meeting on 4 November 2009. (Minute No 23/2009 refers) 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. It is the intention to append the Record of Evidence to the Protocol, once it has been formally adopted and include it at Part 5 of the Council's Constitution – Codes and Protocols.

The Cabinet considered the report at its meeting on 9 December 2009 and was pleased that the Scrutiny Programme Board had been able to take a detailed look at the draft Protocol and that it had its endorsement. The Cabinet had subsequently recommended the Protocol to the Council for its endorsement and it will be considered at the Council meeting on 15 February 2010.

The Director of Law, HR and Asset Management offered to prepare a checklist of evidence to help Members gather information to assist any Councillor Calls for Action. This is appended to this report as **Appendix B**. It was endorsed by the Scrutiny Programme Board at its meeting on 14 January 2009 (Minute 35 refers) and referred to the Cabinet for consideration and recommendation to the Council for approval/adoption. The Protocol is appended as **Appendix A** for completeness.

**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 has been 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 draft Protocol considered at the last meeting sets out how it is intended that the CCfA will work.

## RECOMMENDATION

The Cabinet is requested to approve the use and implementation of the Councillor Call for Action – Member Checklist and Evidence, set out at Appendix B, and for it to be appended to the Protocol for adoption by the Council.