



GUIDANCE TO MEMBERS – COUNCILLOR CALL FOR ACTION

What is the ‘Councillor Call for Action’?

All Councillors have a right to raise issues of concern to their local Ward or to the people who live or work in that Ward, with The Overview and Scrutiny Committee.

This is a legal right given through Section 119 of the Local Government and Public Involvement in Health Act 2007 (LGPIH Act) (which inserted S21A-D into the Local Government Act 2000). Section 19 of the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009 also allow community safety related matters to be discussed at the Council’s designated ‘crime and disorder’ committee – The Overview and Scrutiny Committee.

The intention of the new legislation is to enhance the opportunities for Members to raise issues on behalf of their local community. The Overview and Scrutiny Committee has asked that Members be encouraged to use the “Councillor Call for Action”. At Winchester, a similar right already existed in the Constitution and also applies to Cabinet meetings. It has only been used occasionally. This document sets out arrangements to encourage Members to make use of this provision.

What type of issues can be raised?

Anything that is a concern in the Ward or to people who live or work in that area can be raised provided it

EITHER (LGPIH Act 2007)

- Relates to the discharge of any function of the City Council – this goes beyond the services that the Council provides to include anything where the Council has a responsibility or those that it can impact through its partnership working; AND
- Is not excluded from being raised.

OR (Police and Justice Act 2006)

- Concerns crime and disorder, including anti-social behaviour or other types of behaviour that are having a negative impact on the local environment; or
- The misuse of drugs, alcohol and other substances

What issues are excluded?

- The topic has to come within the terms of reference of The Overview and Scrutiny Committee.
- Scrutiny bodies do not have the right to review decisions of the Planning Committee on specific applications and cases where applicants have a right of appeal, and similar decisions by the Licensing and Regulation Committee and the Licensing Sub Committee. Individual cases dealt with by the Personnel Committee, Appeals and Disputes Committee, Standards Committee and the Housing (Appeals) Committee are also not subject to scrutiny review.
- Any matter considered by the Chairman or the Committee to be vexatious, discriminatory or otherwise not reasonable to be included on the agenda for a meeting.
- Normally not more than one topic can be considered per meeting.

Who can raise an issue?

Ward Councillors can raise issues that affect their Ward or the people who live and work there. Where more than one Councillor represents a Ward, an individual Councillor can raise an issue and does not need agreement of other Ward Councillors to do so.

However, in Wards represented by more than one Councillor, it would be advisable to alert other Councillors to the issue in case a different Councillor is already pursuing the matter through other routes.

When should issues be raised?

The 'Call for Action' is a powerful tool designed to raise the profile of an issue. It is best used to give new impetus to issues that have become 'stuck' – for example, perhaps not getting on to the agenda of other agencies or falling between different agencies - and where all attempts to resolve them have so far failed. Councillor Call for Action should be seen as a 'signpost' towards a solution to an issue, rather than being a method to resolving the issue itself.

How should an issue be raised?

Councillors should always try to resolve issues informally before turning to the 'Call for Action', for example by speaking to officers, or approaching the relevant Portfolio Holder who may consider raising it with the appropriate partner in the Winchester District Strategic Partnership.

Councillors wishing to raise an issue are advised to discuss this first with the relevant Head of Team, the Head of Policy, the Democratic Services Manager or a member of

the Corporate Management Team to ensure that all options for an informal resolution have been explored and that it is appropriate to raise it through this route.

If, following discussion, a Councillor considers that the 'Call for Action' is the appropriate way forward, s/he should then complete the attached pro-forma and return it to the Democratic Services Manager at least 14 clear working days in advance of the date of the meeting at which it is to be considered. As a minimum, the pro-forma will be circulated as background to the agenda item.

What is the role of The Overview and Scrutiny Committee?

The Overview and Scrutiny Committee must consider the issue at a future meeting unless the Chairman gives reasons as to why this is not appropriate. The Councillor raising the issue will generally be expected to attend the meeting to present the item. S/he will be able to join the meeting for consideration of the item in order to answer questions and provide further information to the Committee as requested.

At the end of the discussion, the Committee will consider what, if any, action to take about the issue raised. Possible actions would be:

- Reject the issue – the Committee may feel that no case has been made.
- Do nothing – the Committee may feel that airing the issue in public has been sufficient and that no further action is required;
- Refer the matter to Cabinet or the relevant Portfolio Holder with a recommendation for them to take action;
- Refer the matter to another organisation with a recommendation for them to take action;
- Carry out further investigations – for example by inviting other witnesses to a future meeting of the Committee or setting up an Informal Scrutiny Group to carry out further investigations and report back.

Where the matter is referred to the Cabinet, or a Portfolio Holder the recommendation will not be binding on them but they are required to report back within 2 months, saying what their response is. Other partner organisations can also be asked to have regard to any recommendations made by the Committee.

The Councillor raising the matter will be notified of any responses made.

Councillor Call for Action

Councillors wishing to bring a matter before The Overview and Scrutiny Committee under the 'Councillor Call for Action' are asked to complete this pro-forma and return it to the Democratic Services Manager at least 14 working days before the date of the meeting.

Officers will be happy to support Members and assist in completing this pro-forma.

1. Issue to be raised

Please briefly describe the issue that you wish to raise

2. Is this a community safety issue?

Please tick

Yes – go to question 4

No – go to question 3

3. How does this relate to the work of the City Council and/or its Local Area Agreement (LAA) Partners?

Please briefly indicate how this relates to the work of the City Council and / or its LAA Partners

4. What action has already been taken to resolve the issue?

Please briefly describe the action already taken, indicating who has been involved in this.

5. Do you consider that the issue is relevant to the work of any of the current Informal Scrutiny Groups?

Please indicate.

6. Is there any particular action you would like to recommend to The Overview and Scrutiny Committee?

Please indicate.

Please note that while this will form a recommendation to The Overview and Scrutiny Committee it will make their own decision following consideration of the item.

7. Is there anyone who you would like to be invited as a witness to address The Overview and Scrutiny Committee?

Please note – witnesses will be invited at the discretion of the Chairman. The Council can only request witnesses to attend unless they are serving officers or Members of the authority who are required to attend.

Please Note - Comments may be sought from officers or other parties with an interest in this matter for inclusion in the Committee papers.