

## COUNCILLOR CALL FOR ACTION – ADVICE TO COUNCILLORS

This advice was approved on 9 July 2009 by the Overview and Scrutiny Management Committee.

### Notes

1. References to the 'Overview and Scrutiny Management Committee' should be construed as the 'Overview and Scrutiny Management Board'.
2. References to the 'Communities Scrutiny Committee' should be construed as the 'Public Protection and Communities Scrutiny Committee'.

### What is a Councillor Call for Action?

A Councillor Call for Action gives you an opportunity to raise a matter of local concern through the overview and scrutiny process. A Councillor Call for Action will be a last resort, when you have tried all other means of resolving the matter and everything else has failed.

### Why do we have a Councillor Call for Action?

Section 119 of the Local Government and Public Involvement in Health Act 2007 and Section 20 of the Police and Justice Act 2006 provide you with these powers.

### When can I use Councillor Call for Action?

The Council's Constitution states that you can only use a Councillor Call for Action, if it meets the following conditions:

- (1) The Councillor Call for Action must either relate to a County Council function or to a crime and disorder matter.
- (2) The Councillor Call for Action must relate to a matter which is limited to your own electoral division or part of it.
- (3) The Councillor Call for Action cannot relate to a matter, which could be pursued via the County Council's complaint process.
- (4) The Councillor Call for Action cannot relate to a licensing or planning matter, as there are alternative means of resolution, such as a licensing or planning appeal.

You must provide evidence that all other means of resolving the matter have been tried, in accordance with this guidance. You cannot make a Councillor Call for Action, if one has been submitted in the previous six months, on the same matter.

### **Why do we have all these rules?**

The provisions in the County Council's Constitution conform to the legislative requirements.

### **What other guidance do I need to follow?**

You may use a Councillor Call for Action as 'a last resort', when you have tried all other means of resolving the matter. You should have engaged, for example, with appropriate senior managers who are responsible for the delivery of the particular service. You should be satisfied that this is a matter of local community concern and is genuine and not just matter promoted by a vocal or influential individual or pressure group. You should try to find out the views of other community members, to help you make this clear.

You should also be satisfied that there are no other obvious ways to resolve this. For example, if you believe that the matter may affect residents in other parts of Lincolnshire, it would be more appropriate to ask for the item to be raised as a general issue that might be considered in the work programme of the relevant overview and scrutiny committee.

A Councillor Call for Action should not be vexatious. This is defined as a matter which is persistently raised in different ways where explanations have already been provided, and which are likely to cause distress, disruption or irritation without justified cause.

A Councillor Call for Action should not be discriminatory. This is defined as a matter where a person discriminates against (treats less favourably) another on the grounds of religion, race, colour, disability, sex or sexual orientation.

### **How do I make a Councillor Call for Action?**

You are asked to complete a Councillor Call for Action form. These are available from the Scrutiny Team in Democratic Services and are also available on the councillors' microsite. Please submit the form to the Scrutiny Team. You are asked to provide as much information as possible on all the steps that you have taken to resolve the matter.

## **What happens when I have submitted a Councillor Call for Action?**

The Chief Executive considers the Councillor Call for Action and, in the light of this guidance, makes a determination. The Chief Executive may refuse your Councillor Call for Action, where:

- you have not provided enough information;
- you could have done more to resolve the matter at a local level;
- the matter is more an individual complaint than a community concern;
- the referral is vexatious or discriminatory;
- there are other avenues available, for example, a licensing or planning appeal;
- the matter has already been examined by Overview and Scrutiny in the last six months or is on the current work programme.

## **What happens if a Councillor Call for Action is refused?**

Where the Chief Executive refuses your Councillor Call for Action, you will be formally notified and you may be given advice about any other steps that you could take to resolve the matter. The refusal will be reported to the next available meeting of the Overview and Scrutiny Management Committee, or in the case of a crime and disorder Councillor Call for Action to the next available meeting of the Communities Scrutiny Committee.

## **What happens if the Chief Executive accepts your Councillor Call for Action?**

If the Chief Executive accepts your request, it will be referred to the Overview and Scrutiny Management Committee (or in the case of a crime and disorder Councillor Call for Action to next available meeting of the Communities Scrutiny Committee). You will be invited to attend the meeting, to present your Councillor Call for Action and you should make it clear to the Committee what your desired outcome is.

The relevant Executive Councillor, Executive Support Councillor and officers will be notified and invited to attend. Where possible, they will provide the Committee with information in relation to your Councillor Call for Action.

## **What is the Role of Overview and Scrutiny Management Committee?**

Where the Councillor Call for Action relates to a general matter (not a crime and disorder matter), the Overview and Scrutiny Management Committee will provide advice prior to referral to the relevant overview and scrutiny committee for final determination.

## **What is the Role of the Relevant Scrutiny Committee?**

The relevant overview and scrutiny committee will consider the Councillor Call for Action, together with the advice from the Overview and Scrutiny Management Committee, and decide what action to take.

The relevant overview and scrutiny committee may decide to take no further action. The committee is required to specify the reasons for this decision.

The relevant overview and scrutiny committee may decide that the Councillor Call for Action requires further investigation, and it may seek more information. The relevant overview and scrutiny committee may decide to make a report and recommendations on the matter.

## **What is a crime and disorder Councillor Call for Action?**

The legislation defines 'a local crime and disorder matter' as: -

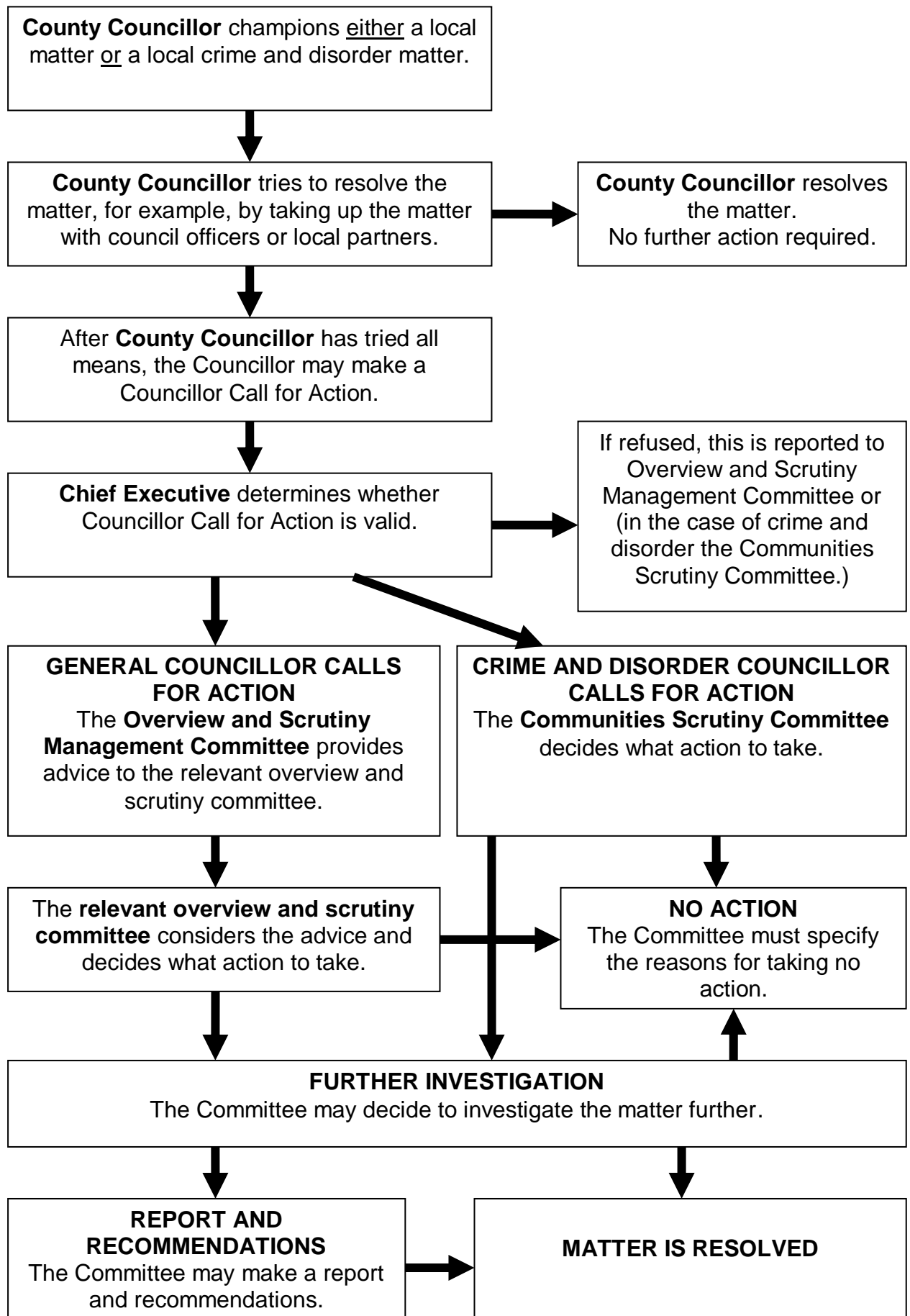
**EITHER**      crime and disorder (including particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment) which affects all or part of your electoral division or any person who lives or works in the electoral division

**OR**            the misuse of drugs, alcohol and other substances, which affects all or part of your electoral division or any person who lives or works in the electoral division.

## **How are crime and disorder Councillor Calls for Action considered?**

The Communities Scrutiny Committee will consider and determine what action is going to be taken in relation to crime and disorder Councillor Calls for Action.

## PROCEDURE FOR DEALING WITH A COUNCILLOR CALL FOR ACTION



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