

Cumbria Joint Scrutiny and Overview Group

Councillor Call for Action Guidance for Councillors in Cumbria



BOROUGH OF
BARROW IN
FURNESS

CARLISLE
CITY COUNCIL



www.carlisle.gov.uk

Copeland



Cumbria
County Council

Eden
District Council



Introduction

With the implementation of new legislation, a Councillor may now formally request a relevant scrutiny committee to consider an issue – formally known as a ‘Local Government matter’ – in their ward for further investigation through a ‘Councillor Call for Action’.

Many authorities already have in place mechanisms for Members to raise an issue with scrutiny within their own authority.

However, the legislation now extends the rights of Members to refer a local government matter not just to the Committees of their own Authority, but in the case of two-tier areas such as Cumbria, to the Committees of the relevant District/Borough or County scrutiny committee, irrespective of whether they are a Member of that authority.

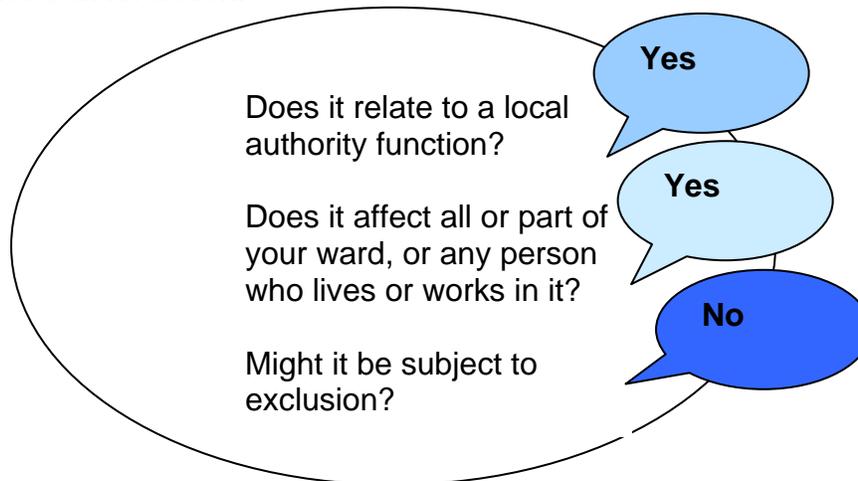
This guidance is to help Councillors decide whether they have a valid Call for Action, and provides details of how to lodge a Call for Action at any of the seven Local Authorities in Cumbria.

By monitoring the Calls for Action, our joint scrutiny committee hopes to identify common issues which it would aim to take forward as part of its scrutiny of the Local Area Agreement.

We hope by adopting a common approach to the Councillor Call for Action that we will minimise confusion for Councillors and provide a joined-up support mechanism for them, demonstrating the value of joint working.

What is a valid Councillor Call for Action?

In very simple terms, you must be able to answer yes, yes and no to the following questions to determine whether it is a 'local government matter' and a valid Councillor Call for action:



The powers that a local authority has for the 'well-being' of its area might mean in effect that there are quite broad interpretations of a local authority function as is demonstrated by the examples given later in this guidance.

There are exclusions in statutory guidance for the Councillor Call for Action. The exclusions include:

- Vexatious or persistent requests
- Requests which could be dealt with by formal complaints or appeals' processes (unless systematic failure can be demonstrated), such as Planning or Licensing decisions.

The definition commonly used for determining a vexatious request is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

Before submitting a Councillor Call for Action, it would be expected that you will have tried to resolve the issue using existing channels open to you, such as discussions with staff and other Members; formal letters and motions at Council. The intention behind the legislation is that the Councillor Call for Action should be used as a last resort, where all other avenues have failed.

The attached form takes you through the steps you should ask yourself before making a request for a Councillor Call for Action, and you may find it helpful to discuss with the appropriate scrutiny officer the course of action you propose. Their details are also attached to this guidance.

The following examples may be helpful:

Example 1:

Councillor Green is a Member of a District Council. At her ward surgeries, and when out and about, she receives regular comments about fly tipping in the area. A number of individual complaints have been put to the authority, but there has been no discernable improvement. Councillor Green wonders whether she can refer this matter to the relevant overview and scrutiny committee, so asks herself the following questions:

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| 1. Does it relate to the discharge of any function of the Local Authority?. | Yes. Dealing with fly tipping is a local government function, and in Cumbria, is the responsibility of District/Borough Councils. |
| 2. Does it affect all or part of her ward, or anyone living or working in it? | Yes |
| 3. Have other avenues failed to resolve the issue? | Yes. There have been several complaints which have failed to resolve the issue, which could be considered as a systematic failure to resolve the issue. |

Example 2:

Councillor Brown is a Member of a County Council. He has been approached by a group of residents regarding the poor response of the local water company in responding to burst mains pipes, causing flooding in a local street. This issue has also received wide coverage in the local press. Councillor Brown is considering a Councillor Call for Action as a means to getting a promise of action from the water company. He asks himself the three qualifying questions.

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| 1. Does it relate to the discharge of any function of the Local Authority? | The provision and management of utility services such as water is not a function of local authorities. So initially the answer is no. However, there are other areas of local government responsibility which might be affected, for example the power to promote or improve the economic, social and environmental well-being of their area, introduced by the Local Government Act 2000. So a scrutiny committee may judge that this is a valid Call for Action, although they will not have any power to 'require' co-operation from the water company. |
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2. does it affect all or part of his ward, or anyone living or working in it? **Yes**

3. Have other avenues failed to resolve the issue? **Possibly.** It may require further research to establish what residents have done so far to resolve the issue, and whether there are a number of areas suffering from similar levels of perceived poor service.

How do I submit my Call for Action?

Appended to this guidance, and on each of the seven local authorities' websites, you will find a form through which you can raise a call for action.

This should be submitted to scrutiny at the relevant authority and will be acknowledged within five working days. You can find all the contact details appended to this guidance.

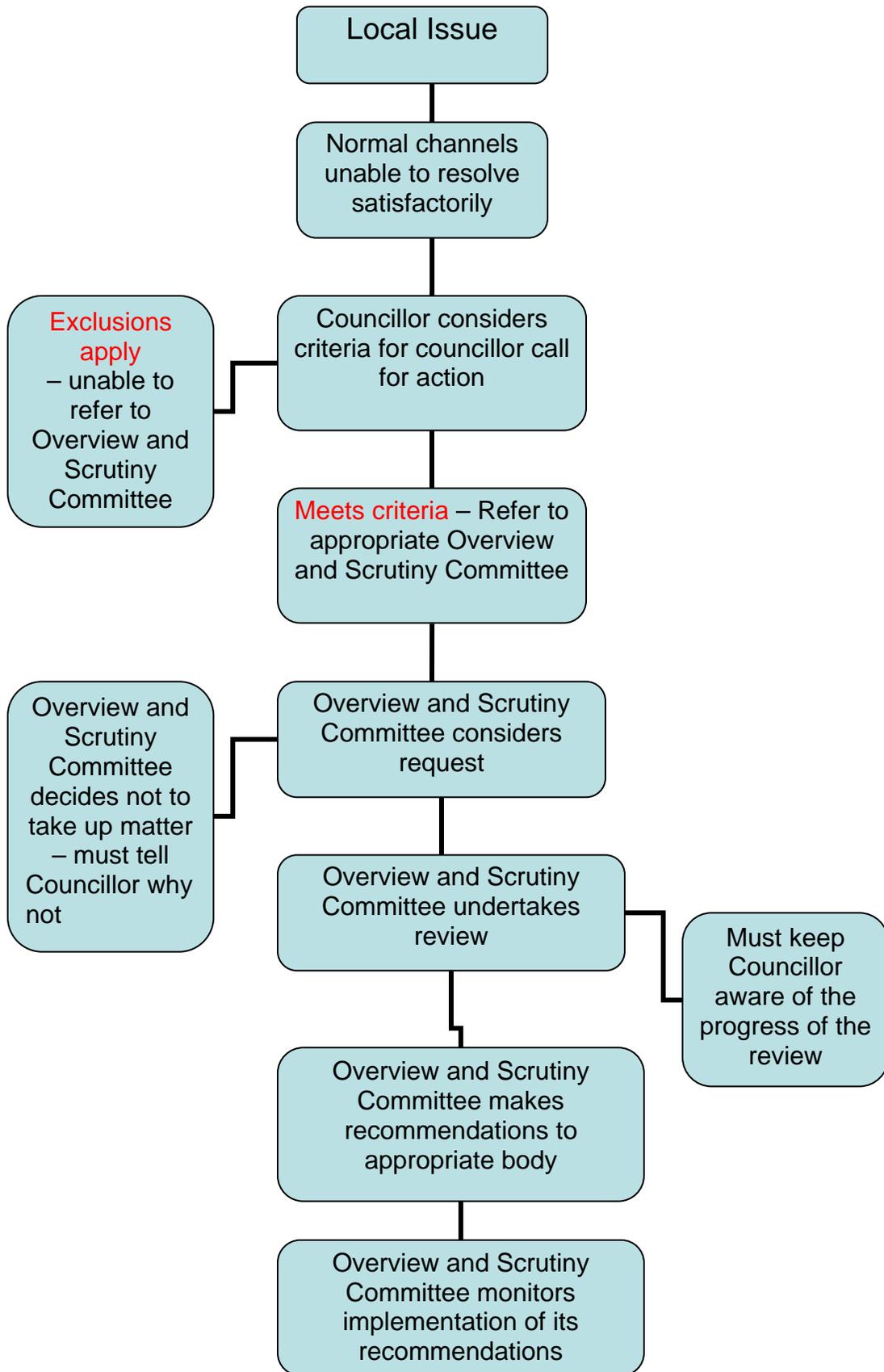
If it is agreed that it is a valid local government matter, you will then be informed of the date and time of the scrutiny committee which will consider your Call for Action, and whether the Committee wishes to hear any further representations.

What will happen to my Councillor Call for Action?

Overview and Scrutiny at the relevant authority will consider your Call for Action against the guidance. It will consider what you have already done to resolve the matter and what representations you make as to why your Councillor Call for Action should be taken up.

If Overview and Scrutiny decides not to take the 'matter' further, it must explain the reasons, and if it does take the matter up, it must make sure that you have a copy of any reports or recommendations that it makes.

There will be slight variations at each authority in the way in which the Councillor Call for Action is considered, but the following chart gives a broad overview of the process:



Councillor Call for Action Request Form

This form should be used by any Councillor in Cumbria who would like a Scrutiny Committee to consider a Call for Action in their ward. Details of where the form should be submitted are to be found in the accompanying guidance and at the end of this form.

Your Contact details:

Name:

Address:

Telephone:

E-mail:

The Authority and Ward you represent:

Title of your Call for Action:

Date of Submission:

Have you approached any other Scrutiny Committee on the same issue in the past six months?: Yes No

Would you like your response by Email Letter

(for advice tick this box and a member of staff will contact you) Yes

Received
by.....on.....

Please give a brief synopsis of your Call for Action:

What evidence do you have in support of your Call for Action:

Which areas or community groups are affected by your Call for Action?:

How have you already tried to resolve the issue?

Is the Call for Action currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints' process?

Are there any deadlines associated with the Call for Action of which the Scrutiny Committee needs to be aware?

What outcomes would you hope for in making this Councillor Call for Action?



Please send your completed form to:

membersservices@copeland.gov.uk

Democratic Services (CCfA)
Copeland Borough Council
The Copeland Centre
Catherine Street
Whitehaven
CA28 7SJ

scrutiny@cumbriacc.gov.uk

Member Services & Scrutiny
Cumbria County Council
The Courts
Carlisle
CA3 8NA