

Tower Hamlets Councillor Call for Action (CCfA) Guide

November 2020



Introduction

Councillor Call for Action (CCfA) powers were first introduced in the Local Government and Public Involvement in Health Act (2007) to provide a formal mechanism that allows councillors (in England) to refer an issue of local concern e.g. related to local government matter and affecting their ward for consideration by the Overview and Scrutiny Committee (OSC). The Localism Act (2011) further clarifies that councillors can refer matters which are not restricted to local government that are relevant to the functions of the committee. The Police and Criminal Justice Act (2006) also provides a 'Call for Action' in relation to crime and disorder issues.

A CCfA can be used to tackle problems on a neighbourhood or ward specific level which has been unable to resolve through normal channels e.g. corporate complaints, petitions, Member's Enquiries, Freedom of Information (FOI) requests and mediation. It is at the discretion of each councillor as to what issues they wish to raise for a potential review through the CCfA. However, councillors must demonstrate that other methods of resolution have been exhausted first. A CCfA request should not be considered as merely 'scrutiny process' it should be viewed as a whole council approach, that can assist councillors to resolve issues on behalf of their constituents.

Principles

The CCfA process works on the basis of some broad principles:

- Transparency in the decision-making process, and the involvement of scrutiny in the decision-making process;
- Willingness to identify mistakes and shortcomings, and a recognition of the need to resolve problems through discussions;
- A good level of understanding (amongst Mayor, Cabinet and senior officers) of the role that scrutiny can play to help the Council to improve its services; and
- An understanding and a wish to strengthen and support the role of councillors as champions and leaders of their communities.

Prior to undertaking a CCfA

Have existing complaints procedures and other solution options been exhausted?

Councillors should consider the following to resolve local issues:

- Member's Enquiries and FOI
- Mediation
- Advising a resident to make an individual complaint.
- Supporting residents to submit a petition.
- Seeking an apology from the council/local service involved
- Collecting evidence from their ward to support the issue.
- Request to discuss the issue with relevant agencies.
- Signpost to relevant council committee, if appropriate.

When a referral should be made

Under the CCfA, councillors are able to refer issues to OSC where it can demonstrate the following:

- the issue is of genuine and persistent local concern;
- the issue is not subject to ongoing legal processes; and

- other courses of action have failed to resolve the matter.

Importantly, undertaking a CCfA will be a means of 'last resort' with issues being raised at OSC **only after other methods of resolution have been exhausted**. Furthermore, undertaking a CCfA does not guarantee to resolve an issue but it offers the chance to bring a pressing matter to a wider audience with an opportunity to discuss the item.

Benefits of a CCfA

The CCfA process provides an opportunity:

- for recognition that an issue is significant enough for time, attention and resources to be allocated to the issue in an attempt to resolve it;
- for a public forum for discussion of the issues;
- to discuss the issues in a neutral environment;
- to discuss an issue with others with the sole aim of resolving it; and
- A high-profile process owned by the councillor.

Limitations of a CCfA

There are some issues that are excluded from referral as a CCfA:

- Planning and licensing decisions or pending applications;
- Any matter where a person or entity has a statutory right of review or appeal (not including the right to complain to the Ombudsman) e.g. issues relating to a welfare benefit appeal;
- Any issues that is vexatious, discriminatory or not reasonable; and
- Any matter already on the work programme for OSC or its subcommittees.
- A CCFA would not be accepted if the matter had already been considered by Overview and Scrutiny (including through the Call-in process) unless there has been a material change to the issue.
- Any matter that is not relevant to the functions of the OSC.

How will Overview and Scrutiny Committee deal with a CCfA Request?

A CCfA referral to OSC will place an issue on the OSC's agenda. It is up to the Committee to decide whether or not to take the issue further. To determine if the CCfA needs to be looked at in detail, the OSC will be able to use the following criteria:

- Is the OSC satisfied that appropriate attempts at resolving the issue have been made by the ward councillor before initiating the CCfA?
- Is this a case that is being, or should be pursued, via the council's corporate complaints system?
- Has the OSC considered any similar issue recently - if so, have the circumstances or evidence changed to warrant re-consideration?
- Has the relevant service or partner agency been informed and provided enough time to resolve the issue? What response has the councillor received?
- Is this issue already featured in the OSC's and or subcommittees work programme?

If the OSC decides to take any action, then it will inform the councillor that raised the CCfA and provide that councillor with a copy of any report or recommendations that are made in relation to the CCfA. Where relevant the councillor will also be provided with any response received from the Cabinet or a partner organisation in relation to the CCfA.

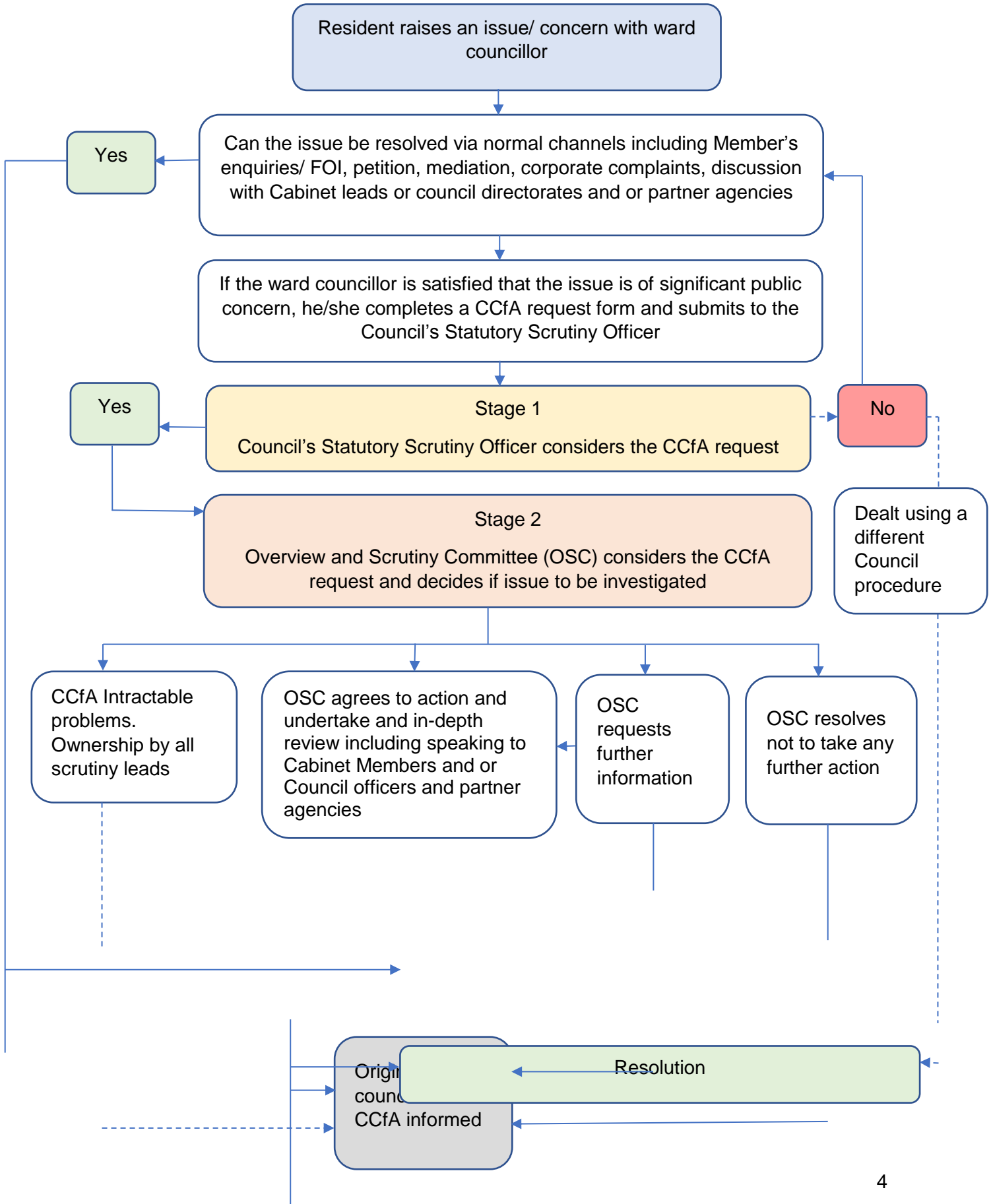
Statutory Scrutiny Officer

There are some circumstance where a CCfA will not be dealt with under this scheme as specified by the limitations of a CCfA; or any other circumstances which, in the opinion of the Statutory Scrutiny Officer would mean the CCfA would be better dealt with using a different Council procedure.

Timeframe for a CCfA Requisition

For a CCfA to be considered, it must be submitted at least 10 working days in advance of the OSC meeting. If a CCfA submission request falls within 10 working days, it will need to be scheduled for the next OSC meeting.

Councillor Call for Action (CCfA) process



London Borough of Tower Hamlets

Overview and Scrutiny Committee – 2020/21

‘Councillor Call for Action’ Requisition

Councillor (s) raising CCfA	Name	Signature
Title of “Councillor Call for Action”		
Reasons for “Councillor Call for Action”		
Approach taken to resolve the Issue		
Is the “Councillor Call for Action” subject to any legal action by any party?		
Are there any deadlines associated with “Councillor Call for Action”		
Within the Council’s Policy or Budget Framework		

**Once completed please return to Sharon Godman, Statutory Scrutiny Officer,
Divisional Director Strategy Policy and Performance Tel: 020 7364 3267**