


<p style="text-align: center;">General Purpose Committee</p> <p style="text-align: center;">8 December 2020</p>	 <p style="text-align: center;">TOWER HAMLETS</p>
<p>Report of: Will Tuckley, Chief Executive</p>	<p>Classification: Unrestricted</p>
<p>Procedure Update: Councillor Call for Action</p>	

Executive Summary

The Council's constitution Part B makes a vague reference to 'Councillor Call for Action' in the Overview and Scrutiny Procedure Rules (Page197) Paragraph 6 section (i):

'To consider any local government matter referred to the Committee by a Councillor in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007'.

This report proposes approval for the Councillor Call for Action procedure to be added to the main Overview and Scrutiny Procedure Rules in Part B of the Constitution by amending paragraph 6 section (i) to include:

'To consider any local matter referred to the Committee by a Councillor in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007 and S.9 FC of the Local Government Act 2000 as amended (set out in the Councillor Call for Action guide).'

Reference to it will also be included in the introduction to Overview and Scrutiny in Part A of the Constitution.

Recommendations:

The General Purposes Committee is recommended to:

1. Approve the Councillor Call for Action (CCfA) guide to be added to the main Overview and Scrutiny Procedure rules in Part B of the Council's Constitution and the attached Councillor Call for Action Guide.

1 REASONS FOR THE DECISIONS

- 1.1 The CCfA guide provides clarity how councillors can raise a Councillor Call for Action.

2 ALTERNATIVE OPTIONS

- 2.1 The Council can opt to do nothing and remain with status quo position; however, this option is not advisable as the constitution does not reflect the changes brought about from Localism Act 2011 i.e. Councillor can refer matter which are not restricted to local government. Issues raised by the Councillors cannot be satisfactorily resolved using the Council's current resolution channels.

3 DETAILS OF THE REPORT

- 3.1 The 'Councillor Call for Action' powers were introduced by the Local Government and Public Involvement in Health Act 2007 and came into force 1 April 2009 (30 April for crime and disorder matters). The relevant provisions are contained in:
- Section 119 of the Local Government and Public Involvement in Health Act 2007 which inserts a new Section 21A into the Local Government Act 2000. This section introduces a Call for Action in respect of local government matters in general.
 - Section 19 of the Police and Justice Act 2006 as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007. This section introduces a Call for Action in respect of Crime and Disorder matters.
 - Section 9FC (c) of the Local Government Act 2000 which enables any member of the authority to refer to overview and scrutiny committee any matter which is relevant to the functions of the committee and is not an excluded matter.(an excluded matter is one that can be referred under section 19 of the Police and Justice Act (see above), This introduces a Call for Action in respect of any matters not caught by the above that are relevant to the functions of the committee.
- 3.2 The CCfA guide has been developed as part of the strengthening local democracy framework. It's allows Councillors to raise issues or matters of local concern and affecting their ward for consideration by OSC. The Localism Act 2011 broadens this so that Councillor can refer matters which are not restricted to local government.
- 3.3 The CCfA is a 'last resort' means and Councillors must demonstrate that other methods of resolution have been exhausted first. The CCfA guide includes limitations and exclusions from its remit (Appendix 1).

- 3.4 The Council's constitution Part B makes reference to the CCfA under the Overview and Scrutiny Procedure rules (Page 197) paragraph 6 section (i)

'To consider any local government matter referred to the Committee by a Councillor in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007'.

- 3.5 This report proposes this section of the constitution be updated with following:

'To consider any local matter referred to the Committee by a Councillor in accordance with section 119 of the Local Government and Public Involvement in Health Act 2007 and as amended by Localism Act 2011 and set out in the CCfA procedure'

Benchmarking with Other Local Authorities on CCfA

- 3.6 We undertook benchmarking activities with other London Local Authorities for developing the 'CCfA' guide. Haringey Council confirmed they have not received any CCfA referrals from Councillors despite having the policy for a number of years.

Promotion of CCfA procedure

- 3.7 The council will promote the CCfA guide to Members via the Members bulletin and incorporate the CCfA guide within the existing scrutiny toolkit.

4 EQUALITIES IMPLICATIONS

- 4.1 The CCfA guide will support ward councillors to address local issues of concerns which can include inequalities faced by local residents. The procedure also ensure all councillors have access to this process in an equal and fair way.

5 OTHER STATUTORY IMPLICATIONS

- 5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

6.1 There are no direct financial implications arising from this report.

7 COMMENTS OF LEGAL SERVICES

7.1 The Localism Act 2011 added a new Section 9FC (c) to the Local Government Act 2000. This provision enables any member of the authority, to refer to Overview and Scrutiny committee any matter which is relevant to the functions of the committee, and is not an excluded matter (an excluded matter is one that can be referred under section 19 of the Police and Justice Act). The right to request a 'Call for Action' under this provision is not currently reflected in the constitution and the report seeks approval for amendments to be made.

7.2 Under part B of the Council's constitution, General Purposes Committee has delegated power to consider and make non-material changes to the Council's Constitution upon the recommendation of the Monitoring Officer. The decision required in this report can therefore be made by the committee

7.3 The body of the report sets out other powers under which members may make 'Calls to Action'. These reflect the legislative provisions.

7.4 The development of a protocol/procedure to guide members in respect of the exercise of 'Calls to Action' is matter that the council has power to do.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- Appendix 1: Councillor Call for Action Guide

Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012

- NONE

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