

SUSTAINABLE COMMUNITIES SCRUTINY COMMITTEE

REVIEW OF COUNCILLOR CALL FOR ACTION MECHANISM AND INTRODUCTION OF A SELECTION CRITERIA FOR DEALING WITH ISSUES OF LOCAL CONCERN – FURTHER REVISIONS TO INITIAL PROPOSALS

REPORT OF THE CHIEF EXECUTIVE

19 JANUARY 2009

1. PURPOSE OF REPORT

- 1.1 To seek the views of the Committee on the proposed revision of the current Councillor Call for Action mechanism and proposed introduction of a Selection Criteria for dealing with non-mandatory referrals for use by the Sunderland Partnership, Scrutiny Committees and Area Committees to address issues of local concern.

2. BACKGROUND INFORMATION

- 2.1 On 17 December 2009, the Management Scrutiny Committee considered a report outlining further revisions to the mechanisms in place for dealing Councillor Calls for Action.
- 2.2 At the meeting, the Management Scrutiny Committee agreed to:-
- a) Support the introduction of the selection criteria for determining the appropriateness of undertaking an investigation triggered either by the non-mandatory referral / Councillor Call for Action route;
 - b) Refer the draft proposals to the six Scrutiny Committees in the January cycle of meetings for comment with any comments being referred back to this Committee thereafter, in particular on whether it is appropriate for the two existing CCfAs to be subject to this revised procedure; and
 - c) Subject to the comments received from the Scrutiny Committees (along with the Area Committees and Sunderland Partnership), the revised procedure be endorsed, implemented and included in Scrutiny Handbook.
- 2.3 The report and the proposals therefore come to this Committee for comment.

3 CURRENT POSITION

- 3.1 The Councillor Call for Action (CCfA) mechanism came into force on 1 April 2009 namely through the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007. Such provisions provide Members with the opportunity to ask for discussions on issues where

local problems have arisen and where other methods of resolution have been exhausted.

- 3.2 In Sunderland, two local issues have been raised through the Councillor Call for Action (CCfA) mechanism and as a result of those referrals; it has become apparent that the current procedure should be reviewed to ensure both current and future CCfAs are addressed in a timely, open and transparent way.
- 3.3 At the same time work is also being undertaken to develop the Scrutiny Committees' links with both the Sunderland Partnership and the Area arrangements, one of which is the signposting and escalation of local issues to the most appropriate body for resolution where appropriate.
- 3.4 At a meeting of the Management Scrutiny Committee held on 22 October 2009, consideration was given to the initial proposals for the processing of non-mandatory referrals to Overview and Scrutiny through the introduction of an agreed selection criteria which also reflects / combines the CCfA mechanism.
- 3.5 On 17 December 2009, the Committee received a report outlining further revisions to the initial proposals, as requested by the Committee. These are summarised below:-
 - (a) That upon receipt of a CCfA / Non-Mandatory Referral, that the request be considered by the relevant Scrutiny Committee in replace of the Management Scrutiny Committee as initially suggested (in consultation with the Head of Overview and Scrutiny), removing any possible delays in its consideration / re-direction; and
 - (b) That the flow chart **Appendix B** be further amended to clearly show the whole process, such as the other potential bodies who may either consider or re-direct the referral request.

3. FURTHER REVISIONS TO INITIAL PROPOSALS - REVIEW OF CURRENT COUNCILLOR CALL FOR ACTION MECHANISM AND INTRODUCTION OF A SELECTION CRITERIA FOR DEALING WITH ISSUES OF LOCAL CONCERNS

- 3.1 As outlined in the initial proposals, consideration has been given on a practical level as to how best to implement a 'referral' mechanism within existing policies and practices to escalate / re-direct issues of local concern either raised by an Elected Member/Committee, member of the public or external partner to the appropriate body namely the Sunderland Partnership and the City Council's Scrutiny and Area Committees.
- 3.2 To assist those bodies in determining the appropriateness of undertaking an investigation triggered either by the non-mandatory / CCfA referral route, the

following selection criteria is proposed for future use by such bodies, at the point of the referral being considered at the next available meeting:-

- (i) Clear evidence that reasonable attempts have been made to resolve the issue with relevant partners / council departments?
- (ii) Has a significant impact on a group of people living within the Sunderland area;
- (iii) Relates to a service, event or issue in which the Council has direct responsibility for, significant influence over or has the capacity to act as public champion;
- (iv) Not be an issue which Overview and Scrutiny, Area Arrangements or LSP have considered during the last 12 months (unless circumstances have changed substantially);
- (v) Not relate to an on-going service complaint or petition (including the ability to exclude any matter which is vexatious, discriminatory or not reasonable) ; and
- (vi) Not relate to matters dealt with by another Council committee, unless the issue deals with procedure and policy related issues.
- (vii) If meets the criteria, agree which body most relevant to consider further, Overview and Scrutiny, Area Committees or LSP.

3.3 The proposed selection criteria outlined above, clearly makes provision for the processing of referrals to be undertaken in an open and transparent way and provides a formal record as to whether the issue is worthy of further investigation together with the agreed course of action and any associated / prescribed timescales.

3.4 In response to Members observations in relation to the two local issues which have been raised through the existing Councillor Call for Action procedure, it is proposed that the current procedure will be strengthened through the introduction of such selection criteria and that any future CCfAs will be reported to the next available meeting of the relevant Scrutiny Committee for consideration, in replace of the Management Scrutiny Committee as initially suggested.

3.5 For ease, **Appendix A** outlines the current CCfA procedure and **Appendix B** details the revised procedure for determining the appropriateness of undertaking a scrutiny investigation triggered either by the non-mandatory / Councillor Call for Action referral route as requested by the Committee at its last meeting.

3.6 Furthermore, it should be noted that the Councillor Call for Action measure requires the Councillor to use every available tool to resolve the issue in the first instance without involving the relevant Scrutiny Committee, therefore any

additional burden should be minimal as the mechanism is designed as a last resort after all other avenues have been exhausted.

4. RECOMMENDATIONS

- 4.1 That the Committee consider and comment on the draft proposals, in particular on whether it is appropriate for the two existing CCfAs to be subject to this revised procedure and that any comments be submitted to the next meeting of the Management Scrutiny Committee.

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CURRENT COUNCILLOR CALL FOR ACTION PROCEDURE

