

MANAGEMENT SCRUTINY COMMITTEE

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

REPORT OF THE CHIEF EXECUTIVE

29 APRIL 2010

1. Purpose of Report

- 1.1 To provide feedback from the Council's Scrutiny Committees, Area Committees and the Sunderland Partnership on the proposed revision of the current mechanism for dealing with requests for a Councillor Call for Action and the introduction of a Selection Criteria for dealing with non-mandatory referrals; and
- 1.2 To agree that the revised mechanism and selection criteria outlined in the report be submitted to the Cabinet for approval and incorporated in the Scrutiny Handbook.

2. Background Information

- 2.1 The Councillor Call for Action (CCfA) mechanism came into force on 1 April 2009, following the introduction of the Police and Justice Act 2006 and the Local Government and Public Involvement in Health Act 2007. The CCfA provides Members with the opportunity to ask for discussions on issues where local problems have arisen and where other methods of resolution have been exhausted.
- 2.2 To date, the Council has received two requests for a Councillor Call for Action (CCfA). Experience has demonstrated that the current procedure should be reviewed in order to ensure that current and future CCfAs are addressed in a timely, open and transparent way.
- 2.3 The review also reflects the work being undertaken to develop the Scrutiny Committees' links with both the Sunderland Partnership and the Area Committee arrangements.

3. Current Position

- 3.1 On 22 October 2009, Management Scrutiny Committee considered initial proposals for a revised mechanism for dealing with requests for a Councillor Call for Action and the introduction of a Selection Criteria for dealing with non-mandatory referrals. The Committee received a report outlining further details and revisions on 17 December 2009.

3.2 At this meeting, the Committee agreed to:-

- (a) Support the introduction of the proposed selection criteria for determining the appropriateness of undertaking an investigation triggered either by the Councillor Call for Action / non-mandatory referral route;
- (b) Refer the draft proposals to the Scrutiny Committees, Area Committees and Sunderland Partnership for comment, with any comments being referred back, in particular on whether it is appropriate for the two existing CCfA's to be subject to this revised procedure; and
- (c) Subject to comments received from the Scrutiny Committees and the Area Committees and Sunderland Partnership, the revised procedure be endorsed, implemented and included in the Scrutiny Handbook.

3.3 Details of the proposed procedure are set out in the flow chart (**Appendix A refers**). This outlines each stage of the process, including the signposting and escalation of local issues (referred to as non mandatory referrals in the remainder of this report) to the most appropriate body for resolution where appropriate. This will ensure that requests are dealt with in an open and transparent way and provide a formal record as to whether the issue is worthy of further investigation, together with the agreed course of action and any associated / prescribed timescale. **However, it should be noted that all Councillor Call for Action Referrals are considered in the first instance by the relevant Scrutiny Committee and re-directed to the relevant body where appropriate.**

3.4 The suggested criteria for determining the appropriateness of undertaking a scrutiny investigation includes:-

- (a) Clear evidence that reasonable attempts have been made to resolve the issue with relevant partners / council departments?
- (b) It has a significant impact on a group of people living within the Sunderland area;
- (c) It 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;
- (d) Not be an issue which Overview and Scrutiny, Area Arrangements or LSP have considered during the last 12 months (unless circumstances have changed substantially);
- (e) Not relate to an on-going service complaint or petition (including the ability to exclude any matter which is vexatious, discriminatory or not reasonable);

- (f) Not relate to matters dealt with by another Council committee, unless the issue deals with procedure and policy related issues; and
- (g) If meets the criteria, agree which body most relevant to consider further, Scrutiny, Area Committees or the Sunderland Partnership.

4. Feedback on Proposals

- 4.1 The views of the Council's Scrutiny Committees, Area Committees and the Sunderland Partnership on the proposals have been sought and are set out below:-

Scrutiny Committees - Feedback

- 4.2 The six Scrutiny Committees considered the proposals during their January cycle. The Committees are generally supportive of the new mechanism and the suggested criteria which it is felt should bring greater clarity and transparency to the process, ensure that the relevant body investigates a CCfA request and make it easier to monitor progress.
- 4.3 A number of other issues were raised including:-
- (a) Several scrutiny committees suggested that CCfA's should be submitted to the appropriate Area Committee in the first instance;
 - (b) It is important to be clear and have a common understanding of the relevant role and responsibilities of Scrutiny Committees, Area Committees and the Sunderland Partnership in order to avoid any confusion or uncertainty;
 - (c) As far as possible, the system should be simple and straightforward to ensure that it is transparent, avoids duplication and excessive bureaucracy; and
 - (d) That the two existing CCfA's should continue under the existing procedure and that the new mechanism should only apply to new CCfA requests.

Area Committees and the Sunderland Partnership - Feedback

- 4.4 The proposals have also been considered by the Council's five Area Committees. Each of the Committees' expressed their support for the proposals.
- 4.5 The Sunderland Partnership has also been consulted and again they were supportive of the proposed process for dealing with CCfAs.

5. Recommendations

5.1 It is recommended that the Committee:-

- (a) Considers the feedback from the Council's Scrutiny Committees, Area Committees and the Sunderland Partnership on the proposed revision of the current mechanism for dealing with requests for a Councillor Call for Action and the introduction of a Selection Criteria for dealing with non-mandatory referrals; and
- (b) That the revised CCfA mechanism and the newly devised selection criteria outlined in the report be submitted to the Cabinet for approval and incorporated into the Scrutiny Handbook thereafter.

6. Background Papers

6.1 No background papers were used in the preparation of this report.

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