

## **Councillor Call for Action - Guidance for Councillors**

### **Introduction**

- 7.46.1. The Local Government Wales Measure 2011 introduced a number of new provisions aimed at strengthening local democracy. Section 63 of the Measure introduced a provision for “Councillor Calls for Action” (CCfA) which enables Councillors to refer issues of local importance to Scrutiny Committees .
- 7.46.2 CCfAs are intended to enable local Councillors and their electors to obtain a response from their Council Leadership on issues of local importance. CCfAs should be regarded as one of a series of tools which Councillors have at their disposal to resolve local issues and make a positive difference in their community. Previously in Wales, only local Crime and Disorder issues could be referred by the local Councillor to the designated Health and Care Scrutiny Committee for action and it should be noted that these local crime and disorder referrals will remain in place under separate legislation.
- 7.46.3 As part of their community leadership role, Councillors have always attempted to resolve issues on behalf of their local residents and CCfAs provide an additional avenue for Councillors to follow if the normal ways of resolving an issue have not been successful and the issue meets the criteria for a referral. It should be noted that a referral under this process should be seen as a last resort after all other avenues have been exhausted.
- 7.46.4 CCfAs have been introduced alongside other powers for scrutiny, including powers to scrutinise a wide range of bodies not previously subject to local authority scrutiny. CCfAs are intended to enable any Councillor to refer to a Scrutiny Committee, “a local government matter” which falls within the Scrutiny Committee’s remit.

### **How Should I Normally Attempt to Resolve a Local Issue in My Area?**

- 7.46.5 Local issues can be resolved in a number of ways by Councillors on behalf of their residents as listed in the Welsh Government’s Statutory Guidance from the Local Government Measure 2011:
- 7.46.5.1 informal discussions with Officers or other Councillors;
  - 7.46.5.2 informal discussions with partner representatives;
  - 7.46.5.3 referral to other “scrutiny” bodies such as Community Health Councils or internal Governance and Audit Committee;
  - 7.46.5.4 formal discussions with Officers and Councillors;
  - 7.46.5.5 formal letters to the Cabinet members;
  - 7.46.5.6 asking questions at Full Council;
  - 7.46.5.7 submitting a motion to Full Council;
  - 7.46.5.8 organising public meetings;
  - 7.46.5.9 use of petitions;
  - 7.46.5.10 making a complaint;
  - 7.46.5.11 freedom of information requests;
  - 7.46.5.12 communication with local AMs or MPs;
  - 7.46.5.13 use of social media or email based campaigns.
- 7.46.6 This is not an exhaustive list and Councillors may choose different routes for specific issues. If an issue has not been resolved after exhausting all possible

alternative routes, then a local Councillor can refer it to the appropriate Scrutiny Committee as a CCfA.

### **What is a Councillor Call For Action?**

- 7.46.7.1 In order for a Scrutiny Committee to accept a CCfA as an agenda item for discussion at one of their meetings, the issue must affect either all or part of a Councillor's electoral area or it must affect someone who lives or works in that area and come within that Scrutiny Committee's remit.
- 7.46.7.2 A Councillor does not however need a referral from a constituent in order to start the process. It is important to recognise that a CCfA is not guaranteed to solve a given problem, though it can provide a method for discussing such problems and, through discussion, attempt to overcome them.

### **How and When Should I Make a CCfA?**

- 7.46.8.1 A flowchart showing the process is provided at Rule 7.45. A Councillor may initiate the process by completing the form at Rule 7.46. Further copies are available from the Scrutiny Manager. It is important that the local Councillor specifies what outcome is expected from the referral. After completion the form should be returned to the Scrutiny Manager who will log and acknowledge the referral within five working days, to track its progress and forward a copy of the form to the Monitoring Officer.
- 7.46.8.2 The Monitoring Officer will confirm whether or not the referral satisfies the requirements outlined in Rule 7.42.9 below to enable it to be placed on the agenda for discussion at a meeting of the relevant Scrutiny Committee. The Monitoring Officer reserves the right to exclude from the agenda any matter which is vexatious, discriminatory or otherwise potentially unlawful; and the Councillor will be informed of this outcome as soon as practicable.

### **Criteria To Be Followed By A Scrutiny Committee Dealing With CCfAs**

- 7.46.9 It is up to the chair of a Scrutiny Committee in consultation with the Monitoring Officer to decide whether, and in what form, to take the matter further. The chair will use the following criteria to decide whether or not the referral is appropriate to be considered by its Scrutiny Committee :
- 7.46.9.1 does the matter fall within the remit of that Scrutiny Committee?  
NB: Crime and Disorder referrals should be directed to the Health and Care Scrutiny Committee.
- 7.46.9.2 is that Scrutiny Committee satisfied that all reasonable attempts have been made to resolve the issue by the local Councillor? Do the responses received by the referring Councillor demonstrate that the matter is not being progressed?
- 7.46.9.3 has that Scrutiny Committee considered a similar issue recently? If so, have the circumstances or evidence changed?
- 7.46.9.4 is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.

- 7.46.9.5 have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the Councillor received?
  - 7.46.9.6 is this a case that is being or should be pursued via the Council's corporate complaints procedure?
  - 7.46.9.7 is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
  - 7.46.9.8 is the matter an issue of genuine local concern which impacts on the local community rather than a personal matter?
  - 7.46.9.9 is this an issue currently being looked at by another form of external scrutiny?
  - 7.46.9.10 and, as with all scrutiny, does the matter have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the Councillor's electoral division?
- 7.46.10 If a Scrutiny Committee decides not to accept the CCfA it must inform the Councillor of the decision and the reasons for it.
- 7.46.11 If a Scrutiny Committee decides to accept the CCfA the Councillor will be informed and advised of the agreed Protocol, e.g. the Councillor will be given adequate notice (a minimum of 10 clear days) of the date of the Scrutiny Committee's meeting. The Councillor will be requested to attend the Scrutiny Committee and informed that s/he will have five minutes in which to address the Scrutiny Committee. The Scrutiny Committee may then wish to question the Councillor further before deciding how it intends to take the matter forward. This could include:
- 7.46.11.1 asking the relevant responsible authorities to respond to the CCfA;
  - 7.46.11.2 setting up a research or task and finish group to undertake a more in-depth review;
  - 7.46.11.3 asking for further evidence and/or witnesses to be brought to a future meeting. The Scrutiny Committee has the power to request "designated persons"<sup>1</sup> such as representatives from other public bodies/agencies to attend, where relevant, and to request information.

### **Potential Outcomes From a CCfA**

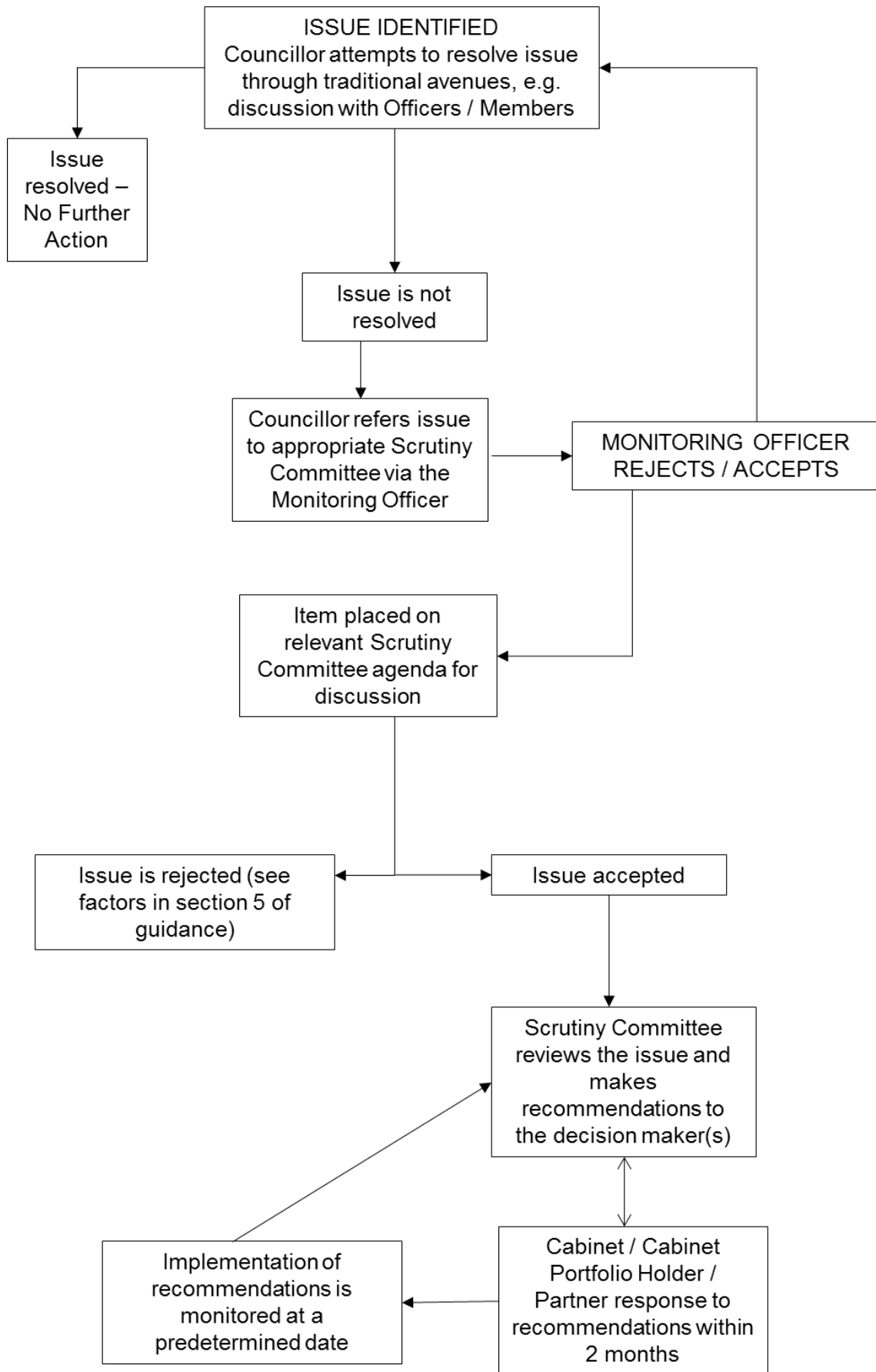
- 7.47.1 A Scrutiny Committee could:
- 7.47.1.1 determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;
  - 7.47.1.2 write a response and make recommendations on the CCfA to a relevant responsible authority;
  - 7.47.1.3 decide that further action is not appropriate giving its reasons.
- 7.47.2 Once a Scrutiny Committee has completed its work, the Councillor who made the referral will receive a copy of any response or recommendations made.

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<sup>1</sup> The Welsh Government have yet to publish a list of "designated persons".

### **Timescales for Dealing With a CCfA**

- 7.48.1 Within 10 working days of receipt of a CCfA the chair of the relevant Scrutiny Committee will consult with the Monitoring Officer to determine if the criteria set out in Rule 7.46.9 above have been met so as to ensure that it is appropriate for the CCfA to be dealt with at the next meeting of the Scrutiny Committee.
  - 7.48.2 In exceptional circumstances, for example where there are unavoidable time constraints, the chair may convene a special meeting of the Scrutiny Committee.
  - 7.48.3 Should a CCfA result in recommendations to the Cabinet or other responsible authorities, they will be requested to make a response to the recommendations within 28 days and two months respectively.
  - 7.48.4 The Scrutiny Committee will monitor implementation of any recommendations as part of its Forward Work Programme.
- 7.49



**Councillor Call for Action Referral Form**  
**7.50**

<b>Name of Scrutiny Committee</b>	
<b>Date given to the Monitoring Officer</b>	
<b>Name of Councillor making CCfA</b>	Councillor .....
<b>Councillor's Electoral Division</b>	
<b>Councillor's Address</b>	
<b>Councillor's Telephone</b>	
<b>Councillor's E-mail</b>	
<b>SUBJECT of CCfA</b>	
<b>Details</b> Please briefly explain what the issue is and how it affects either all or part of your electoral area, or how it affects someone who lives or works in your electoral division.	
<b>Action taken to date</b> Please explain what steps you or others have taken, and with whom, to try to resolve the issue (please tick the actions you or others have taken to date) or add additional actions.	<input type="checkbox"/> Informal discussions with Officers or other councillors <input type="checkbox"/> Informal discussions with partner representatives <input type="checkbox"/> Referral to other "scrutiny" bodies such as Community Health Councils or internal Governance and Audit Committee <input type="checkbox"/> Formal discussions with Officers and councillors <input type="checkbox"/> Formal letters to the Cabinet members <input type="checkbox"/> Asking questions at Full Council <input type="checkbox"/> Submitting a motion to Full Council <input type="checkbox"/> Organising public meetings <input type="checkbox"/> Use of petitions <input type="checkbox"/> Making a complaint <input type="checkbox"/> Freedom of Information requests <input type="checkbox"/> Communication with local AMs or MPs <input type="checkbox"/> Use of social media or email based campaigns  Other Actions (Please Specify).

<b>Expected Outcome</b> Please describe the outcome you hope to gain via this referral.	
<b>Papers attached</b> Please list documents attached which should evidence the impact of the issue, the steps taken and any responses received.	1. 2. 3. 4. 5. 6.

**Administration only.**

<b>Date received by Monitoring Officer</b>	
<b>Date CCfA accepted by Monitoring Officer</b>	
<b>Date of Next Scrutiny Committee Meeting</b>	

**Notes for Councillors:**

7.51.1 The following criteria will be taken into consideration when a Scrutiny Committee decide whether to progress with your CCfA:

- 7.51.1.1 have all reasonable attempts been made to resolve the issue? Do the responses received by you demonstrate that the matter is not being progressed?
- 7.51.1.2 has the committee considered a similar issue recently – if yes have the circumstances or evidence changed?
- 7.51.1.3 is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.

- 7.51.1.4 have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response have you received?
  - 7.51.1.5 is this a case that is being or should be pursued via the Council's corporate complaints procedure?
  - 7.51.1.6 is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
  - 7.51.1.7 is the matter an issue of genuine local concern, which impacts on the local community rather than a personal matter?
  - 7.51.1.8 is this an issue currently being looked at by another form of external scrutiny?
  - 7.51.1.9 and, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations, which could realistically be implemented and lead to improvements for anyone living or working in your electoral division.
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- 7.51.2.1 Consider whether your referral might be considered premature by the Scrutiny Committee .
  - 7.51.2.2 Consider whether other potential remedies have been exhausted, before a referral is made.
  - 7.51.3 Members should be aware that if a premature referral is made, the Committee is likely to refuse to deal with the issue, based on the criteria outlined above. If the Monitoring Officer believes that the referral is premature, s/he will advise you accordingly.