



## SCRUTINY MANAGEMENT COMMISSION 3 MARCH 2009

Report of the Director of Corporate and Adult Services

### Councillor Call for Action

#### RECOMMENDATION

1. That the Commission notes the report.

#### SUPPORTING INFORMATION

- 2.1 The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 which brings into effect 'Councillor Calls for Action' (CCfA) defined under Section 21A of the Local Government Act 2000, will come into force on 1 April 2009.
- 2.2 The Councillor Call for Action provides elected members with the opportunity to ask for discussions at scrutiny committees on issues where local problems have arisen and where other methods of resolution have been exhausted.
- 2.3 The Improvement and Development Agency (I&DeA) have issued some best practice guidance on the CCfA and a copy of their guidance document is attached as Appendix 2 of this report. The guidance makes it clear that CCfA is intended as a means of 'last resort' which should be used only after other methods have been exhausted.
- 2.4 Matters which are 'vexatious, discriminatory or not reasonable to be included in the agenda' of the scrutiny Commission can be excluded from CCFA. Complaints, unless they are complaints which indicate a systemic failure of a process, are also excluded as are planning and licensing appeals and other matters where there is an alternative avenue to resolve the issue.
- 2.5 Rules OS15 and OS16 of the Council's Constitution already offer a means whereby members can request that items be included on the agenda of an Overview and Scrutiny Commission. Members can also request the call-in of a key decision if they consider it does not comply with the principles of decision making. CCfA will provide a further route for bringing an issue to a scrutiny Commission.

- 2.6 The Constitution will need to be amended where necessary to reflect the additional facility offered by the CCfA. It is also proposed to prepare a protocol, similar to that which exists for call-in, which will detail the operation of the CCfA process.

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<b>Background papers:</b>	Appendix 1 – Implications
<b>List of appendices:</b>	Appendix 2 – I&DeA Councillor Call for Action – best practice guidance

## Appendix 1

### IMPLICATIONS

#### Financial

1. None arising from this report. There will be cost implications if Commissions are required to consider CCfAs but these cannot at this time be quantified.

#### Legal

2. The Council will have a legal responsibility to consider any CCfA which it receives and which are not covered by the exclusions.

#### Personnel

3. None arising from this report. There will be personnel implications if Commissions are required to consider CCfAs but these cannot at this time be quantified.

#### Equalities impact

4. CCfAs are intended to provide members with a means of bringing issues to the attention of Scrutiny Commissions. This will be of potential benefit to all Derby people.

#### Corporate Objectives

5. This report has the potential to link with all the Council's Corporate Objectives.