

## WEST BERKSHIRE COUNCIL

### COUNCILLOR CALL FOR ACTION PROTOCOL

#### **Introduction**

This protocol provides a description of a 'Councillor Call for Action'; guidance on who may initiate one, when and how; specific exclusions from the process; investigation and resolution; and monitoring.

#### **Description**

The Councillor Call for Action (CCfA) is a mechanism that provides elected members of the Council 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.

CCfA is not guaranteed to provide a solution to a problem but can provide:

- A public forum for discussion of the issues
- An opportunity to discuss the issues in a balanced way
- An opportunity to discuss the problem with the explicit and sole aim of providing an appropriate recommendation
- A high profile process owned by the ward councillor.

All of these factors can make resolution easier to achieve.

The CCfA is a whole Council process and is not solely related to scrutiny. Scrutiny is however the forum for bringing together evidence from multiple sources, including partner organisations.

It is a technique for helping to resolve queries, which may lead to the forming of recommendations for the consideration of the Executive or other bodies.

#### **Eligibility criteria for the initiation of a Councillor Call for Action**

Any Member of the Council may submit a Councillor Call for Action (CCfA) for inclusion in the agenda of the Overview and Scrutiny Management Commission (OSMC).

The issue for consideration must relate to a single locality only rather than the entire district, for which other channels for consideration exist. In this context a 'single locality' could be a town, village, ward or part thereof.

CCfA may only be initiated as a last resort when all other methods of problem resolution have been exhausted. These methods might include, but not be limited to:

- Questions at Executive/Council
- Informal discussions with officers or other members
- Formal letters written on behalf of constituents
- Public meetings
- Petitions and deputations
- Motions on the agenda at full Council
- Communication with local MPs
- Communication with councillors in other authorities
- The Council's complaints process

- Web or e-mail based campaigns
- Communications with relevant Portfolio Holder.

Members bringing forward a CCfA will be required to define their preferred outcomes and resolutions prior to discussion and, wherever possible, attend the relevant committee meeting(s).

To raise a CCfA a Member should in the first instance contact the Policy and Scrutiny Manager outlining the issue, the desired outcome and the processes previously undertaken to resolve it. A submission form is available on the intranet. Submissions must be received by no later than 10.00am, seven clear working days prior to the date of the Overview and Scrutiny Management Commission meeting at which it is to be considered.

On receipt of the proposal, the OSMC Chairman and Vice Chairman, along with the Policy and Scrutiny Manager, will assess its suitability for consideration by the OSMC. If the issue is considered appropriate it will be added to the next OSMC agenda. If it is assessed that the issue is not appropriate then the member making the CCfA will be directed to other courses of action for issue resolution.

### **Exclusions from Councillor Call for Action**

Specifically excluded from becoming a CCfA are:

1. Any matter relating to a planning decision.
2. Any matter relating to a licensing decision.
3. Any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.
4. Any matter which is vexatious, discriminatory or not reasonable.
5. Any matter that has been considered by the Overview and Scrutiny Management Commission, a Select Committee or task group in the previous six months.

### **Investigation and resolution**

Following initial acceptance by the Policy and Scrutiny Manager, members of the Overview and Scrutiny Management Commission will then consider whether they wish to accept the matter for investigation and the most appropriate forum and course of action to determine resolution. This may include referral to a Select Committee, establishment of a time limited task group or examination of the subject as a full Commission. The matter will then be dealt with as any other item of Scrutiny.

In conducting its investigation, the Scrutiny body will have regard to the issue and the resolution required by the member raising the CCfA. Reviewing members may challenge the expected outcome if they feel that it is unreasonable.

The Council's overview and scrutiny function only has the power or authority to require the Council or other organisations to have regard to its considerations and cannot of itself impose a resolution. Therefore at the conclusion of its investigation the Scrutiny body will produce a report containing recommendations for the endorsement of the OSMC and if it is not the investigating body itself the Council's Executive, West Berkshire Partnership Board or other organisations as appropriate.

As with other scrutiny reports, a response to each of the OSMC's recommendations will normally be given within 56 calendar days (8 weeks) of the report's production. The Council service most closely involved with delivery of the recommendations will have responsibility for the production of the response report.

**Monitoring**

The responding service will provide implementation progress reports to the OSMC at intervals not normally more frequent than 6 monthly.