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## **MEMBER ITEMS AND COUNCILLOR CALL FOR ACTION - PROTOCOL**

### **1.0 COUNCILLOR CALL FOR ACTION - INTRODUCTION**

- 1.1 Section 119 of the Local Government and Public Involvement in Health Act 2007, makes provision for a 'Councillor Call for Action' (CCfA) which came into effect on 1 April 2009 and provides 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.
- 1.2 Guidance and advice from central government is that CCfA is very much a process of last resort, and that Councillors should look to other methods of resolving an issue before considering its use. This would mean making full use of existing routes, such as the 'Patch Problem' mechanism or speaking to senior officers, both within the Council and other organisations.
- 1.3 Guidance states that authorities require a formal process for dealing with CCfAs but that this should not be too prescriptive. The 'Councillor Call for Action Best Practice Guidance' has been produced on behalf of the Government by the Centre for Public Scrutiny and the Improvement and Development Agency and can be found on the Centre for Public Scrutiny web site.
- 1.4 Prior to the CCfA provision, the Council had already put in place a mechanism for any Member to include items on the Corporate and Environmental Overview and Scrutiny agenda for discussion, under the Local Government Act 2000.
- 1.5 Council on 22 April 2009 resolved that the CCfA provision, be incorporated into the Council's existing mechanism for 'Member Items'. The only additional provision required was the formal process of providing reasons to the Member who raised an item, should the Committee decide not to consider it. The revised Member Item/CCfA template was expanded to include a checklist to aid Members in what other avenues they could pursue prior to raising the item for Committee particularly for Ward Issues, this was agreed by this Committee on 24 June 2009.
- 1.6 Overview and Scrutiny Members currently have the right to include items on an overview and scrutiny agenda for discussion that is relevant to its functions, under the Local Government Act 2000. Under the remit of the Corporate and Environmental Overview and Scrutiny Committee this function has been expanded to allow any Member to raise an item on any issue (including Ward issues) for discussion on, it is then for the Committee to decide how it wishes to deal with the matter raised.
- 1.7 Some issues are specifically excluded from Members Items and CCfA. These include issues where there is already a statutory appeals process, such as individual planning or licensing appeals as well as individual complaints, where there is a similar alternative resolution process e.g. Local Government Ombudsman. "Vexatious, discriminatory or not reasonable" matters are also excluded, although it may be difficult in some cases to apply these rules.

## 2.0 PROCESS

- 2.1 Any Councillor can place any item, on any subject, on the agenda of the Corporate and Environmental Overview and Scrutiny Committee by completing the attached proforma. The proforma provides Members with potential means of pursuing an issue before resorting to a Member Item/CCfA: and contains potential reasons why the Member Item/CCfA may not be considered further.
- 2.2 If the Committee decides not to consider a Member Item/CCfA, it must provide reasons for that decision to the Member who requested it. For example:
- The issue is an individual case.
  - All avenues have not been fully explored.
  - A review is being undertaken on the general issue by an Overview & Scrutiny Committee.
  - A petition has been submitted on the issue.
  - A complaint has been submitted and the outcome is awaited.
  - A Freedom of Information request has been made and the outcome is awaited.
  - Scrutiny of the issue is unlikely to result in improvements for local people.
  - The issue has been the subject of Executive Call In.
  - The issue has been the subject of a Council Motion / Question.
  - The issue is urgent and could be more speedily resolved by other means.
  - The issue is an excluded matter (as referred to in paragraph 1.7 above).
- 2.3 If the Committee decides to discuss the item it can either:
- Note the concern.
  - Request a relevant officer to bring back a report on the issue.
  - Make a recommendation to Cabinet / Council as appropriate.
  - Undertake an in-depth Review on the subject matter (subject to current work programmes and resources).
  - Set up a Working Group to look at the issue in more detail (subject to the Committees work programme and resources).
  - Refer the matter to another authority / body if the issue raised is not within the remit of this Council.
- 2.4 The Member who raised the issue and the Chairman will be kept informed of any developments by the relevant officer dealing with the matter and feedback will normally be reported to the next meeting of the Committee.



**APPENDIX**

**MEMBER ITEM / COUNCILLOR CALL FOR ACTION  
CORPORATE OVERVIEW & SCRUTINY COMMITTEE**

**MEETING: .....**

**This form must be received by Member Services, 52 Derby Street, Ormskirk before 12 noon on Friday (following the distribution of the Members Update).**

**(Any forms sent by fax should be sent to 01695 585082.)**

**Please advise Member Services on 01695 585016 if at any time you wish to withdraw this item following receipt of further information or e-mail [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk).**

<b>Councillor:</b>	
<b>Subject:</b>	
<b>1. What are your reasons for requesting the item:</b>	
<b>2. What outcome would you wish to see following discussion of the item?</b>	

**3. What have you already done to resolve this issue?**

**Potential means of pursuing an issue before resorting to a Member Item/CCfA:**

- Raise Ward Issue as a 'Patch Problem'
- Discuss issue with an appropriate officer from the Council Service or Agency
- Discuss issue with an appropriate Cabinet member
- Raise the issue with partner agency, e.g. Police, PCT, etc.
- Write formal letters on behalf of constituents
- Use official complaints procedure or other official route
- Put forward the issue as a topic for inclusion on an O&S work programme

**The following are potential reasons why your Member Item/CCfA may not be considered further:**

- The issue is an individual case
- You have not explored the issue fully and exhausted all avenues above
- A review into the general issue is included in an O&S work programme
- A petition is being submitted to the Council
- A complaint is being or has been submitted and the outcome is awaited
- A FOI request is being or has been made and the outcome is awaited
- Scrutiny of the issue is unlikely to result in improvements for local people
- The issue has been the subject of Executive Call In
- The issue has been the subject of a Council Motion / Question
- The issue is urgent and could be more speedily resolved by other means
- The issue is an excluded matter (Constitution 18.3, Para 1.7).

**FOR MEMBER SERVICES USE ONLY**

Received by:		Date of Committee:	
Date:	Time:	Chief Operating Officer, Corporate Directors & Head of Service informed <input type="checkbox"/>	
Contact Officer informed <input type="checkbox"/>		Portfolio Holder informed <input type="checkbox"/>	