

Item No: 8	Classification: OPEN	Date: 1 February 2010	Meeting Name: Overview & Scrutiny Committee
Report Title:		Councilor Call for Action:	
Ward(s) or Group affected:		All	
From:		Head of Overview & Scrutiny	

RECOMMENDATION

1. That the committee consider whether a councillor call for action received from Councillor Smeath is valid in accordance with the councillor call for action protocol.
2. If it is considered valid, that the committee refer the call for action to an appropriate scrutiny committee.

BACKGROUND INFORMATION

3. The councillor call for action (CCfA) is a means for members to escalate matters of ward concern to an overview and scrutiny committee. A CCfA is intended to be a measure of last resort and not to be used until all other avenues have been exhausted.
4. The ward member must demonstrate that they have sought to address the issue through all existing means. The committee or sub-committee giving the CCfA initial consideration will not agree that it is valid, or refer it on for scrutiny, unless it is satisfied that:
 - the councillor has made all reasonable efforts to resolve the matter via dialogue with council officers and or relevant partners; and
 - the issue of concern is a matter in respect of which the council has a statutory power or duty to deal with which is not precluded by legislation; and
 - the issue of concern has a demonstrable impact on a part or the whole of a councillor's ward.
5. Before referral on for scrutiny, the member sponsoring the CCfA must provide documentation to show that they have taken the following steps:
 - made the relevant service request/members' enquiry/letter to relevant other agency;
 - raised the issue with executive member or senior representative of partner agency;

- raised the issue of concern at Safer Neighbourhood Panel (for relevant crime and disorder matters) or
 - raised the issue of concern at area level
6. The scrutiny committee giving the CCfA initial consideration may reject it as not valid if it is:
- not a matter for which the local authority or its partners has a responsibility, or does not affect the borough
 - defamatory, frivolous or offensive
 - substantially the same as a CCfA which has been put to any meeting of the council in the past six months
 - a matter relating to a planning decision
 - a matter relating to a licensing decision
 - a matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or appeal by or under any enactment

CALL FOR ACTION

7. The CCfA received from Councillor Smeath is attached as Appendix A.
8. The protocol requires that the CCfA set out:
- which councillor is sponsoring (if more than one councillor sponsoring)
 - agency responsible for service(s)
 - background – including details of attempts to resolve matter via other means
 - issues for consideration
 - desired outcomes
9. After initial consideration of the CCfA by the committee, the head of overview & scrutiny will inform the sponsoring councillor within three working days of whether the CCfA is considered valid or is rejected. If valid, the CCfA will be referred to an appropriate scrutiny committee. If rejected, the committee may give advice and or signposts on other appropriate ways forward to help resolve the matter.

BACKGROUND DOCUMENTS

Background Papers	Held at	Contact
Agenda – Overview & Scrutiny Committee	160 Tooley Street London SE1 2TZ	Peter Roberts Constitutional Team 020 7525 4350

Audit Trail

Lead Officer	Shelley Burke, Head of Overview & Scrutiny	
Report Author	Peter Roberts, Scrutiny Project Manager	
Version		
Dated		
Key Decision?	No	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / EXECUTIVE MEMBER		
Officer Title	Comments Sought	Comments included
Communities, Law & Governance	Yes	-
Executive Member	No	-