

AGENDA MANAGEMENT SHEET

Name of Committee Overview And Scrutiny Co-Ordinating Group
Date of Committee 30 January 2008
Report Title Councillor Call for Action - Consultation Paper
Summary The government has recently issued a consultation paper on Local Petitions and Call for Action. This report seeks the advice of the Group on issues related to the 'councillor call for action'.
For further information please contact: Jane Pollard
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Would the recommended decision be contrary to the Budget and Policy Framework? No.
Background papers None

CONSULTATION ALREADY UNDERTAKEN:- Details to be specified

- Other Committees
- Local Member(s) N/A
- Other Elected Members Councillor Richard Grant
- Cabinet Member
- Chief Executive
- Legal Sarah Duxbury
- Finance
- Other Chief Officers
- District Councils
- Health Authority

Police

Other Bodies/Individuals

FINAL DECISION NO

SUGGESTED NEXT STEPS:

Details to be specified

Further consideration by this Committee

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation

Agenda No

Overview And Scrutiny Co-Ordinating Group - 30 January 2008.

Councillor Call for Action - Consultation Paper

Report of the Strategic Director of Performance & Development

Recommendation

That the Group considers the report and advises Cabinet on the issues which should be excluded from the councillor call for action and the issues which should be included in any guidance.

Introduction

1. The Government issued a consultation paper on Local Petitions and Call for Action on 28th December 2007, to which responses are requested by 20th March 2008. This report deals with the 'councillor call for action' proposals within that consultation paper and seeks the views of the Group on the issues raised by government.

Councillor Call for Action – the proposals

2. Parliament amended section 19 of the Police and Justice Act 2006 (community call for action) to align it with the provision in section 119 of the Local Government and Public Involvement in Health Act 2007. All councillors are thus empowered to refer local government matters and local crime and disorder matters for consideration by the relevant overview and scrutiny committees of their local authorities.
3. The result amounts to a “**councillor call for action**”. Any councillor will be able to refer a local matter affecting his or her ward or division to the appropriate overview and scrutiny committee of his or her authority.
4. The committee is required then to put the matter on its agenda, and discuss it at a meeting. It is not required to take any further action; but all the powers it has – to mount inquiries, to require information, and to make report and recommendations – are to be available to it, if it decided to take the matter up.

5. The power to refer a matter is available only where the matter is of direct concern to the ward or division that the councillor represents. A councillor can refer a matter even if no citizen has asked him or her to consider it. There is no requirement for councillors in multi-member wards to agree – any of them can refer a matter.
6. A local government matter, in relation to a member of a local authority, is defined as a matter which is:
 - (a) related to the discharge of any function of the authority
 - (b) affects all or part of the electoral area for which the member is elected or any person who lives or works in that area, and
 - (c) is not an excluded matter.

A local crime and disorder matter, in relation to a member of a local authority, has been defined to mean a matter concerning:

- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour adversely affecting the local environment), or
- (b) the misuse of drugs, alcohol and other substances

which affects the electoral area represented by the member, or the people who live or work in that area.

7. Some local issues may have implications in more than one field. The Government's view is that, in such a case, the councillor would be entitled to refer it to overview and scrutiny committee which covers some aspect of the issue. In practice, committees will, no doubt, take the sensible decision to join forces in order to consider such matters in the round.

Excluded matters

8. The Secretary of State has power to exclude by order specified descriptions of matter that would otherwise be "local government matters". This was included primarily so that confusion could be avoided between calls for action and well-defined statutory processes such as planning and licensing appeals. The Government now wish, as part of this consultation to seek views about exactly what ought to be excluded, and why.

Guidance

9. The Secretary of State is empowered to issue statutory guidance for local authorities, their committees and their members. She intends to do so when these measures are brought into force. Respondents are invited to highlight the key issues on which guidance (whether statutory or not), would be helpful.

Consultation Questions

10. The Government wishes to take the views of citizens, local authorities, councillors and community organisations on all the details of the proposals set out in this report but particularly on the following questions
 - (a) What if any matters should be excluded from the call for action (Paragraph 8)
 - (b) What guidance should Government provide on the operation of the councillor call for action? (Paragraph 9)

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07 January 2008