

Meeting:	Overview and Scrutiny Committee
Date:	12 February 2008
Subject:	Councillor call for action and local petitions
Key Decision: (Executive-side only)	N/A
Responsible Officer:	Jill Rothwell, Director of Strategy and Business Support Services
Portfolio Holder:	Cllr Paul Osborn, Strategy and Business Support Services
Exempt:	Part I
Enclosures:	<b>Appendix 1: Department for Communities and Local Government – Local petitions and call for action consultation document</b>

## Section 1 – Summary and Recommendations

This report outlines progress made in Harrow in preparing for the councillor call for action and assessing likely implications for Harrow. The report also invites the committee to comment on the consultation document on councillor calls for action and local petitions.

**Recommendations:** That the Overview and Scrutiny Committee:

- (1) Note and comment on progress made so far;
- (2) Comment on the Department for Communities and Local Government Consultation on calls for action and petitions, for incorporation into the council's response.

## Section 2 – Report

### Background

The councillor call for action has been developed by central Government as part of the community empowerment agenda. As part of the drive for 'responsive services and empowered communities', the process is intended to strengthen the role of councillors as advocates of the concerns of local people.<sup>1</sup>

The Governance of Britain<sup>2</sup> Green Paper highlights the role of petitions in triggering action locally. It proposes that there should be a duty on local authorities to respond to petitions under certain circumstances.

### Councillor call for action

The councillor call for action is a tool to strengthen the power of ward councillors. If a ward councillor is unable to resolve a particular concern they can refer it to the Overview and Scrutiny Committee.

The mechanism enables any member to refer matters to Overview and Scrutiny. The councillor call for action is primarily a concern for council services as emphasis is placed on matters being resolved at the earliest possible stage thereby ensuring that scrutiny is not flooded with matters that should be resolved by services themselves.

To clarify, the call to action originates with the councillor (not the member(s) of the public) and it does not include a right of appeal to the executive.

Based on information currently available, councillor calls for action should:

- Relate to the discharge of any function of the authority
- Affect all or part of the Member's ward or any person who lives or works in it (geographically specific)
- Not be an excluded matter (as specified by the Secretary of State) – these are likely to include matters such as individual licensing or planning complaints which are dealt with through separate statutory processes. Other matters such as social care complaints or education appeals may also be excluded but the Secretary of State has not advised of exclusions at this stage.

The consultation document invites comments on what the exclusions should be.

### Progress made so far

In mid-2007 a meeting was held with the Chairman and Vice-Chairman of the Overview and Scrutiny Committee, the Portfolio Holder for Strategy and Business Support, Gareth Wall from the Centre for Public Scrutiny, and officers from across the council. Since then an officer group has been monitoring the development of the legislation and putting together a plan of action.

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<sup>1</sup> Department for Communities and Local Government. Strong and Prosperous Communities: the Local Government White Paper (CM 6939). HMSO, October 2006. Volume I. Paragraph 2.7, p. 35

<sup>2</sup> Ministry of Justice. The Governance of Britain (CM7170) HMSO, July 2007.

The council's Corporate Strategy Board considered a paper in late December and has agreed to take the project forward (with the Corporate Director of Strategy and Business Support as the project sponsor). The following workstreams have been identified:

- Legal and governance
- Managing complaints
- Partnership, accountability and community engagement
- Member development

### **Role of scrutiny**

The current local proposal is that the relevant scrutiny leads should consider councillor calls for action in the first instance (supported by scrutiny team/corporate governance) and that their recommended approach be reported to the Overview and Scrutiny Committee (through the scrutiny lead members' regular report).

The following options would be available to the leads:

- Option 1: To request that the Overview and Scrutiny Committee commission further work such as a challenge panel, light touch review, in-depth review.
- Option 2: To request that the ward councillor continue to monitor issue and report back to the scrutiny lead members.
- Option 3: To request that the call for action be rejected.

Such an approach should enable scrutiny to respond to matters raised by ward councillors in a timely manner.

Fundamental to ensuring that scrutiny is not overwhelmed with issues will be ensuring that council processes for handling complaints are sufficiently robust. The vast majority of residents' concerns should be addressed through normal daily interactions with council services.

### **Local petitions**

The Government believes that there should be a duty on local authorities to respond to petitions where either the subject of the petition relates to the functions of the local authority, or other public services with shared delivery responsibilities with the local authority through the Local Area Agreement or other partnership arrangement.

In addition, the consultation proposes that the petition should be organised by a local person and should demonstrate a certain level of support. Possible parameters for such criteria are outlined in the consultation paper.

## **Current situation**

### **Councillor call for action**

On one level the process reflects activity already undertaken by members on a daily basis in acting as advocates of residents' needs and to responding to local issues. However, the councillor call for action formalises some of these

pre-existing processes. Members have indicated that support and development would be helpful in enabling them to fulfil the role. The scope of this activity would include:

- Clarification of the process to be adopted to ensure that issues are raised in the most appropriate place.
- Developing a checklist for ward councillors. Although not directly triggered by members of the public, councillor calls for action may be prompted by requests from local people so a checklist would be useful.
- Developing a programme of training.
- Providing support to ward members in determining what a councillor call for action is.
- Providing support to scrutiny Lead Members and the Overview and Scrutiny Committee in deciding on the most appropriate course of action when a councillor call for action is received.

### **Local petitions**

Currently petitions are referred to the appropriate committee or Portfolio Holder for consideration.

### **Why a change is needed**

Change is driven by the introduction of new legislation and forthcoming guidance.

### **Main options**

The main options are detailed in the background section above.

### **Other options considered**

The council could have waited until the publication of the guidance on councillor calls for action but this could have meant that opportunities were lost to incorporate councillor calls to action into current processes such as the scrutiny reconfiguration or to influence the development of guidance.

### **Recommendation:**

That the Overview and Scrutiny Committee

- (1) Note and comment on progress made so far;
- (2) Comment on the Department for Communities and Local Government Consultation on calls for action and petitions, for incorporation into the council's response.

### **Potential risks – councillor call for action**

- Ensuring council processes for handling complaints and day-to-day interactions are sufficiently robust to ensure that this is the route through which the vast majority of residents' concerns are addressed.
- Role and capacity of ward members – communicating the role to residents to ensure that majority of issues of concern are dealt with through ward case management and are not escalated, thereby preventing overload and ensuring residents receive a positive response.
- Diversity and equalities – there will be a challenge to ensure that the councillor call for action emphasizes the 'local' rather than 'vocal'.
- Resources – the regulatory impact assessment for the Local Government and Public Involvement in Health Act stated that "it is expected that the [councillor call for action] will cost about £3-4m per annum. These costs arise from increased work for councillors, overview and scrutiny committees, and the officers supporting them. Estimates are based on

benchmarking of existing processes within local authorities. There will be training costs for ward councillors to be able to fill this new role effectively. These will be met by a refocusing of the existing work being funded by [the Department for Communities and Local Government] DCLG develop the capabilities and capacity of local councillors.”<sup>3</sup> This appears to be a fairly narrow interpretation of developments necessary to make the process effective locally.

### **Legal Implications**

These are outlined in the body of the report but may be subject to change depending on the final form of the legislation

### **Financial Implications**

There are no implications associated with this report. However, there may be implications as part of the implementation process (as outlined above). The costs will be met by funding from the Department of Communities and Local Government.

### **Performance Issues**

It remains unclear how the successfulness of councillor call for action process will be measured. However the new emphasis on resident satisfaction and perception in the forthcoming Comprehensive Area Assessment (CAA) may have regard to effectiveness of processes such as the councillor call for action.

### **Scrutiny performance management issues**

Scrutiny has three performance indicators relating to where topics have originated. The councillor call for action is already included within the performance management framework for this purpose.

Recommendations matrix attached as appropriate

## **Section 3 - Statutory Officer Clearance**

Name: Sheela Thakkrar	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 30 <sup>th</sup> January 2008		
Name: Helen White	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 30 <sup>th</sup> January 2008		

## **Section 4 - Contact Details and Background Papers**

<sup>3</sup> Department for Communities and Local Government. Local Government and Public Involvement in Health Bill: Regulatory Impact Assessment. May 2007. p. 18

Contact: Heather Smith, Scrutiny Officer, 020 8420 9203  
[heather.smith@harrow.gov.uk](mailto:heather.smith@harrow.gov.uk)

Background Papers:  
None.

If appropriate, does the report include the following considerations?

1.	Consultation	YES
2.	Corporate Priorities	N/A