



APPENDIX 2

COUNCILLOR CALL FOR ACTION PROTOCOL

Introduction

1. The Councillor Call for Action (CCfA) Protocol is designed as a formal means whereby Councillors can refer to the Overview & Scrutiny Committee any local government matter in their ward which is of significant community concern. Referral to the Overview and Scrutiny Committee is a measure of last resort once other approaches have been exhausted.
2. A local government matter is defined in legislation¹ as one which:
 - (a) Relates to the discharge of any function of the authority;
 - (b) Affects all or part of the electoral area for which the referring member is elected or any person who lives or works in the area; and
 - (c) Is not an excluded matter. Excluded matters are matters (as defined in Regulations²) relating to:
 - (i) the formulation or implementation of the council's crime and disorder strategy³;
 - (ii) a planning decision;
 - (ii) a licensing decision;
 - (iii) an individual or entity where that individual or entity has a statutory right to a review or appeal other than to the ombudsman;or which are:
 - (iv) vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Overview and Scrutiny Committee or a Scrutiny Panel Sub-committee.

¹ Section 119 of the Local Government and Public Involvement in Health Act 2007.

² Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008

³ A crime or disorder matter within the meaning of section 6 of the Crime and Disorder Act 1998

unless the matter consists of an allegation that a function of the Council has not been discharged at all or that its discharge has failed or is failing on a systematic basis.

3. The matter must directly affect all or part of the ward for which the Councillor is elected, or any person who lives or works in that ward.
4. The CCfA is not an appropriate route for:
 - (a) Raising individual complaints, for which the Council's corporate complaints procedure should be followed;
 - (b) Scrutinising matters of wider Council policy;
 - (c) Questioning decisions which have been taken but not yet implemented by the Cabinet;
 - (d) Seeking to resolve urgent matters, in view of the time which may be needed for the committee to assess the initial referral and then investigate the matter if it agrees to do so; or
 - (e) Raising matters where other means of resolution have not been tried.

Referral Procedure

5. In Haringey matters referred as a CCfA will be referred to the Overview and Scrutiny Committee. Prior to referring a matter as a CCfA a Councillor must have tried to resolve the matter themselves using the other mechanisms and resources available to them at ward level. Councillors must have regard to any government guidance issued and should:
 - (a) Ensure that the relevant Cabinet Member, Council department and/or any partner organisation has been informed of the issue and been given enough time to resolve it.
 - (b) Ensure that this is not an issue that is currently being or should be pursued via the council's complaints process.
 - (c) Ascertain whether or not the matter is being investigated through any other local mechanism such as members enquiry, area assembly etc.
6. If the matter is still not resolved the Councillor can refer it to the Overview and Scrutiny Committee as a 'Councillor Call for Action'. To avoid delays in the referral process, all referrals will be made on the CCfA request form in Appendix 1. This will ensure that the necessary information to enable the applicability of the Protocol to be confirmed and to enable the matter to be put before Overview and Scrutiny Committee will be provided at the outset.
7. The referral form will be received by the Head of Member Services who will log it to track its progress and assess whether the matter is covered by this Protocol. The

Monitoring Officer shall be responsible for determining whether a matter is required to be referred to the Overview and Scrutiny Committee under this protocol.

8. Referrals approved by the Monitoring Officer will then be included on the next available agenda of the relevant Overview and Scrutiny Committee. It will up to the members of the committee to decide whether or not to take the matter further.

Considering the CCfA

9. The referring Councillor and other Councillors representing the same ward will be invited to attend a meeting at which the CCfA is discussed, in order to make representations and answer questions. The relevant Cabinet member and senior officer and partner representative will also be invited if appropriate.
10. In deciding whether or not to take the matter further the committee will consider:
 - (a) Actions already taken by the Councillor in relation to the matter; and
 - (b) Representations made by the Councillor as to why the committee should take the matter up.
11. The criteria the committee will use to decide whether or not to take the matter further include:
 - (a) Is the committee satisfied that reasonable attempts at a resolution have been made by the ward Councillor?
 - (b) Has the committee considered a similar issue recently and, if so, have the circumstances or evidence changed.
 - (c) Has the relevant service or partner agency been informed and been given enough time to resolve the issue and, if so, what response the Councillor has received.
 - (d) Is the matter currently being looked at by another form of local mechanism or HSP Board?
12. If the committee decides not to take further action in respect of the referral it must inform the Councillor and explain why.
13. If the committee decides to accept the referral it must decide how it intends to take the matter further it may:
 - (a) Make immediate recommendations to:
 - (i) the Cabinet or other relevant council body;
 - (ii) the Corporate Director of the relevant Council department; or
 - (iii) to any relevant partner organisation or other local organisation;
 - (b) Request further information or evidence from the ward councillor;
 - (c) Ask officers to look into the matter and report back;

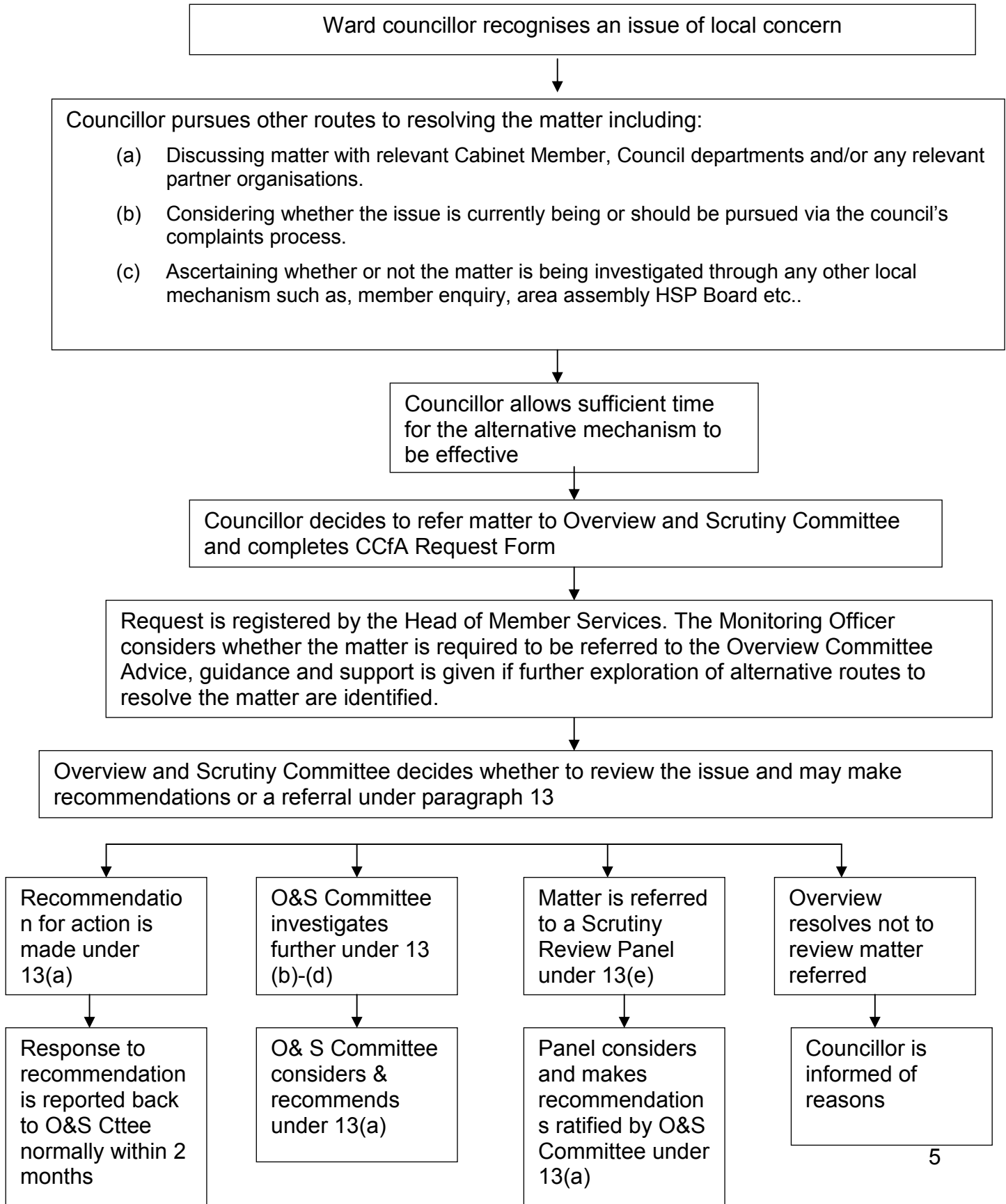
- (d) Invite other local stakeholders to give evidence to a future meeting; or
- (e) Refer the matter to a Scrutiny Review Panel to undertake a more in depth review.

Overview and Scrutiny Committee may make recommendations as provided for in 13 (a) following consideration by them under 13 ((b) – (e)

14. If the matter is referred under 13 (a) (i) or (ii) the relevant body or person shall report back to the Overview and Scrutiny Committee, normally within 2 months, indicating any action that has been or is intended to be taken in respect of the recommendation.
15. Once the committee has completed its work on the referral the member who made the referral will receive a copy of any report or recommendations made in relation to it.
16. Overview and Scrutiny Committee will request updates on the implementation of recommendations, where agreed, from the responsible agency.
17. This Protocol will apply with appropriate modifications to any request by a Councillor to refer any local crime and disorder matter to the Committee under the CCfA procedure.

LONDON BOROUGH OF HARINGEY

SUMMARY OF THE PROPOSED PROCEDURE FOR COUNCILLOR CALL FOR ACTION



Are you aware of the any legal action or proceedings related to this issue?

Yes No

If yes, please give details.

Please specify what action has been taken so far to try and resolve the issue locally. In particular please describe what actions have been taken in respect of consulting the following, as well as any responses received:

- Officers of the Council, partners and other relevant public service providers
- Member Enquiry
- The local Area Assembly or other public meetings
- Neighbourhood Management Team
- Cabinet Member(s) and/or the Leader
- Formal letters/motions and petitions
- Communication with local Members of Parliament
- Local campaigns

For completion by Overview and Scrutiny Manager:

Referred to Head of Member Services (date):

Date of referral to Overview and Scrutiny Committee:

Referral accepted/not accepted:

Further action required: