

COUNCILLOR CALL FOR ACTION PROTOCOL

Introduction

1. The Councillor Call for Action (CCfA) Protocol sets out how Councillors can refer any local government matter in their ward which is of significant community concern to an overview and scrutiny committee. Referral to the Council's Scrutiny Committee is a measure of last resort once other approaches have been exhausted.
2. A local government matter is defined in legislation 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 relating to:
 - (i) the formulation or implementation of the Council's crime and disorder strategy;
 - (ii) a planning decision;
 - (iii) a licensing decision; or
 - (iv) 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
 - (v) vexatious, discriminatory or not reasonable to be included in the agenda for, or to be discussed at, a meeting of the Scrutiny Committee;

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 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 Executive; or
 - (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.

Referral Procedure

4. Matters referred as a CCfA will be referred to the 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 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 scrutiny mechanism.
5. If the matter is still not resolved the councillor can refer it to the Scrutiny Committee as a 'Councillor Call for Action'. To avoid delays in the referral process, all referrals should be made on the CCfA request form. 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 Scrutiny will be provided at the outset.
6. The referral form should be sent to democraticservices@oxford.gov.uk. The Monitoring Officer shall be responsible for determining whether a matter is required to be referred to the Scrutiny Committee under this protocol.
7. Referrals approved by the Monitoring Officer will then be included on the next available agenda of the Scrutiny Committee. It will be up to the Committee to decide whether or not to take the matter further.

Considering the CCfA

8. The referring councillor and other councillors representing the same ward will be invited to attend a Scrutiny Committee meeting at which the CCfA is discussed, in order to make representations and answer questions. The relevant Executive member and senior officer will also be invited if appropriate.
9. 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 member as to why the committee should take the matter up.
10. 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 scrutiny?
11. If the committee decides not to take further action in respect of the referral it must inform the councillor and explain why.
12. If the committee decides to accept the referral it must decide how it intends to take the matter further. It may:
- (a) Make an immediate report or recommendations to:
 - (i) the Executive or other relevant council body;
 - (ii) the relevant senior officer; 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
13. If the matter is referred under 12 (a) (i) or (ii), the relevant body or person shall report back to the Scrutiny Committee indicating any action that has been, or is intended to be, taken in respect of the recommendation, normally within 2 months.
14. 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.
15. In the case of a crime and disorder matter:
- (a) A copy of any report or recommendations under 12(a)(i) or (ii) above shall also be provided to the chief officer of police, the fire authorities, the probation board and the primary care trust ("the Council's crime and disorder partners").
 - (e) If a report or recommendation is made to one of the Council's crime and disorder partners under 12(a)(iii), that partner will be notified that they are required to:

- (i) consider the report or recommendations and to respond to the committee indicating what action, if any, it propose to take, normally within one month; and
- (ii) have regard to the report or recommendations in exercising their functions.

Councillor Call for Action Referral form

If you wish the Scrutiny Committee to consider a Call for Action in your ward you should complete this form and submit it to Democratic Services at democraticservices@oxford.gov.uk.

Before submitting this form you must:

- (a) Ensure that the relevant council department and/or any partner organisation has been notified of the issue and been given enough time to resolve it (and give details of the date and outcome of such notification).
- (b) Ensure that this is not an issue that is currently being or should be pursued via the council's complaints process.
- (f) Ascertain whether or not the matter is being investigated through any other local scrutiny mechanism.

Your Contact details:

Name:

Address:

Telephone:

E-mail:

The Ward you represent:

Title of your Call for Action:

Date of Submission:

Would you like the opportunity to speak to the Committee?

Yes/No

Please give a brief summary of your Call for Action

