



Councillor Call for Action

**DRAFT Guidance for
Councillors**



Walsall Council

What is Councillor Call for Action?

Councillor Call for Action is a new tool to assist Councillors as a matter of last resort to progress problems in their wards that they have not been able to solve themselves.

In practice Councillor Call for Action allows a Councillor to raise an issue and place it on the agenda of a Scrutiny and Performance Panel.

When to raise a Councillor Call for Action

A protocol for Councillor Call for Action was approved by Council on 18 May 2009 and added to the Council's Constitution (Part 4.5 and Appendix 13).

The protocol explains that a Councillor Call for Action should only be used in exceptional circumstances when Councillors have been unable to resolve issues and problems on behalf of their residents. Councillor Call for Action is a means of 'last resort', with issues being raised at Scrutiny and Performance Panels only after other avenues have been exhausted.

This is an important point as a Councillor Call for Action can be rejected if a Scrutiny and Performance Panel feel that a Councillor raising a Councillor Call for Action has not exhausted the range of opportunities available to them to resolve a particular issue. This includes straightforward methods, such as using the Council's complaints procedures.

What can be the subject of a Councillor Call for Action?

Councillor Call for Actions can be on two broad topics, namely:

1. A **Local Government** matter which is defined as:
 - a. relating to the discharge of any function of the authority;
 - b. affecting all or part of the ward for which the Member is elected or any person who lives or works in that area,
2. A **crime and disorder** matter which is defined as:
 - a. crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment), or
 - b. the misuse of drugs, alcohol and other substances

What cannot be a Councillor Call for Action?

Whilst the scope of Councillor Call for Action is quite wide ranging there are certain issues that cannot be the subject of a Councillor Call for Action. They are:

- a) any matter relating to a planning decision;
- b) any matter relating to a licensing decision;
- c) any matter relating to an individual or entity that has its own separate right of review or appeal;
- d) any matter which is vexatious, discriminatory or not reasonable.

It is important to note that these exclusions do not apply if the Councillor Call for Action consists of an allegation that a function which the authority is responsible for has not been discharged at all or that its discharge has failed or is failing on a systematic basis.

How to raise a Councillor Call for Action

Once you have exhausted potential routes to solving the problem in your ward you can raise a Councillor Call for Action.

To do this you need to complete the Councillor Call for Action form that is included at the end of this document. The form is broken down into three key parts that you are required to complete is as much detail as possible. The more detail you include about the steps you have already undertaken to resolve the issue yourself then the more likely a Scrutiny and Performance Panel will be to accept your Councillor Call for Action.

The three parts are:

ISSUE	Provide as much detail as possible on the issue and the problems that are being caused.
ACTION UNDERTAKEN	Outline in as much detail as possible <i>everything</i> that you have completed to try and resolve the issue. Include details of questions asked and conversations that have taken place, ideally with dates and times. This can also include copies of letters and any email correspondence that you may have had. Do not worry about providing too much information - there is no word limit!
OUTCOME	What do you want to see happen as a result of your Councillor Call for Action? This will help the Scrutiny and Performance Panel to solve your problem satisfactorily.

Please note that if your Councillor Call for Action is on behalf of a resident who needs to be identified as part of the Councillor Call for Action then you will need their permission to do this before proceeding.

Once you have completed the Councillor Call for Action form, including as many additional sheets and evidence as necessary, you need to return the form to the Chief Executive.

What happens once you've raised a Councillor Call for Action?

Once you've submitted a Councillor Call for Action with the Chief Executive it will be passed onto the Performance and Scrutiny Team who will complete two tasks in the first instance:

1. Acknowledge receipt of the Councillor Call for Action with the Member who submitted it;
2. Ask the Monitoring Officer to make a decision on whether or not the submitted Councillor Call for Action fits any of the aforementioned exemption criteria.

If the Monitoring Officer decides that your Call for Action fits one of the previously outlined exemptions then you will be informed of this in writing and your Councillor Call for Action will fail at this point.

If your Councillor Call for Action is valid then the Performance and Scrutiny Team will co-ordinate the response to your Councillor Call for Action and produce a report to the next practicable meeting of the Scrutiny and Performance Panel whose remit covers the same issue as your Councillor Call for Action. *Please note that every endeavour will be made to ensure that your Councillor Call for Action is reported to the next available meeting of the relevant Scrutiny and Performance Panel but if the issues you have raised are particularly complex then this may not be possible.*

Before your Councillor Call for Action is considered by a Scrutiny and Performance Panel you will be sent a copy of the report on the issues you have raised and be invited to present your Councillor Call for Action at the meeting.

Once you have presented your Councillor Call for Action the Scrutiny and Performance Panel will have a debate and decide whether or not to accept it and investigate your issue in more detail. If your Councillor Call for Action is rejected then you will be informed of the reasons for this in writing by the Chair on behalf of the Scrutiny and Performance Panel.

If your Councillor Call for Action is accepted for further investigation then Scrutiny and Performance Panels are able to exercise all of their existing powers in the investigation of your Councillor Call for Action.

Councillor Call for Action – Resolution Checklist

Walsall's Councillor Call for Action protocol demands that a Councillor Call for Action should only be used as a method of last resort. You may find the checklist below helpful in deciding whether or not an issue is ready to be raised as a Councillor Call for Action. You will need to provide full details of the action and/or discussions that have taken place on your Councillor Call for Action form.

Please note this checklist is not an exhaustive list of potential avenues to solutions nor is it a prerequisite to have completed each of the suggested actions.

1. Have you made a formal complaint using the Council's complaints procedures, or assisted the resident(s) of your ward to make a complaint?

2. Has the issue already been raised at a meeting of any of the following?

Council	Yes/No	Date:
Cabinet	Yes/No	Date:
Scrutiny and Performance Panel	Yes/No	Date:
HOSC	Yes/No	Date:
Local Neighbourhood Partnership	Yes/No	Date:

3. Have you raised the issue with any of the following:-

Cabinet Member	Yes/No
Chief Executive	Yes/No
Executive Director	Yes/No
Assistant Director	Yes/No
Other Council Officer	Yes/No

Please give details on your Councillor Call for Action Submission Form

4. Have you raised the issue with any other local organisations or agencies? (e.g. NHS, Police, Fire and Rescue, Walsall Housing Group, Centro) **Yes/No**

Please give details on your Councillor Call for Action Submission Form

5. Have you discussed the issue with any other body or person? **Yes/No**

Please give details on your Councillor Call for Action Submission Form

6. Has there been a petition about the issue? **Yes/No**

If Yes, when and where was it submitted? What was the response?

Please give details on your Councillor Call for Action Submission Form.



Walsall Council

**Councillor
Call for
Action
Submission
Form**

Date

I Councillor

Would like to submit a Councillor Call for Action in relation to the following:

ISSUE (what is it you are trying to achieve/deliver)

.....

For the following reasons

.....

.....

ACTION UNDERTAKEN (what steps/actions have you taken so far to resolve this - set out in as much detail what you have done, who you have written to/spoken with and when)

In my role as Councillor I have completed the following actions to try and resolve the issue:

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.....

.....

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.....

.....

RESULT (what would you like to see as the outcome of your Councillor Call for Action?)

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.....

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Signed

Date

Note 1: Part 4.5. paragraph 18, of the Walsall Council Constitution, sets out the scrutiny and performance process for submitting a Councillor Call for Action.

Note 2: The protocol for submission of a Councillor Call for Action is set out in Part 5.12 of the Walsall Council Constitution

Signed: _____ Date received: _____
Chief Executive



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