



# **Protocol for Councillor Call for Action**

**June 2023**

## **Introduction**

### The Local Government Act 2000, as amended by The Local Government (Wales) Measure 2011

Councillor Call for Action (CCfA) is statutory guidance issued under section 21A(3) of the Local Government Act 2000, as amended by Section 63 of the Local Government (Wales) Measure. This measure, known as the CCfA, enables any councillor of a principal council in Wales to refer a matter to an overview and scrutiny committee which relates to the discharge of any of the functions of the council or which affects all or part of the electoral area which the councillor represents. This also supports the aspirations of Ceredigion County Council's corporate strategy and the main principles of the Wellbeing and Future Generations Act including integration, collaboration and involvement.

The Welsh Government Statutory and Non-Statutory Guidance for Principal Councils in Wales states that the CCfA should be understood as a means of "last resort" in a broad sense, with issues being raised at an overview and scrutiny committee after other avenues have been explored. As such, the process should make it easier for issues that would benefit from scrutiny consideration to be identified, and for those issues which are best dealt with through other means to be signposted accordingly.

The guidance also states that CCfA should not be regarded solely as a 'scrutiny' process. Instead, Councils should consider it within the context of making improvements more generally to a wider range of council functions aimed at supporting participatory democratic activity. This includes support for members in their constituency roles as well as activities such as complaints, and consultation processes that capture public experience and opinion.

### **Consideration of alternative resolution approaches**

As it is recommended that CCfA should be used as a last resort, councillors should consider whether the matter may be resolved informally in the first instance. This could include:

- Informal discussions with officers or other councillors;
- Informal discussions with partner representatives;
- Referral of matters to other 'scrutiny bodies';
- Formal discussions with officers and councillors;
- Formal letters to Cabinet Members;
- Submitting a motion to Full Council;
- Organising public meetings;
- Use of petitions;
- Making a complaint;
- Freedom of Information requests to other bodies;
- Communication with local MSs or MPs.

This is not an exhaustive list and councillors may choose different routes for specific issues.

### **Items that are excluded from referral as a CCCfA**

The following matters are excluded from referral:

- Planning and licensing decisions
- Any matter where the individual has a right of review or appeal (not including the right to complain to the Ombudsman) e.g. a matter relating to a Council Tax appeal
- Any matter that is vexatious, discriminatory or potentially unlawful.

### **Submitting a CCfA**

If the issue has not been resolved after exhausting all possible alternative routes, the local councillors can refer it to the relevant Overview and Scrutiny Committee by completing the form in Appendix A, and submitting it to the Proper Officer, namely the Corporate Lead Officer, Democratic Services who will log each request to track its progress and forward a copy to the relevant scrutiny officer.

The Proper Officer will confirm whether or not the referral satisfied the requirements outlined above, to enable it to be placed on the agenda for discussion at a meeting of the Committee.

### **Consideration by the Overview and Scrutiny Committee**

If the Overview and Scrutiny Committee receives a referral from a member who is not on the committee, it can choose to do any of the things that it might normally do with a new item. These include reviewing and scrutinising decisions and actions, and making reports and recommendations.

In deciding whether to do any of these things, the committee may “have regard to” two particular points:

- (i) anything that the member may have already done in relation to the matter, particularly if they have been empowered to do so by the council under section 56 of the 2011 Measure,

And;

- (ii) representations made by the elected member as to why the committee should take the matter up. If the committee decides not to take the matter up, it must explain the reasons why to the member. However, if the committee chooses to conduct some work on the issue, it must make sure that the elected member has a copy of any reports or recommendations that it makes in relation to it.

## COUNCILLOR CALL FOR ACTION REFERRAL

This form should be used by any county councillor who would like a scrutiny committee to consider a Call for Action in their electoral ward area.

For the attention of the Corporate Lead Officer: Democratic Services

From: Councillor \_\_\_\_\_

Ward: \_\_\_\_\_

<b>SUBJECT</b>	
<b>Details:</b> Please explain what the issue is and how it affects your ward	
<b>Action taken to date:</b> Please explain what steps have been taken, with whom, to try to resolve the issue	
<b>Timescales:</b> Are there any deadlines associated with the issue which the overview and scrutiny committee needs to be aware of?	
<b>Corporate Strategy:</b> Please note how this links to the Council's Corporate Strategy	
<b>Expected Outcome:</b> Please describe the outcome you hope to gain via this referral	
<b>Papers attached:</b> Please list documents attached which should evidence the impact of the issue, the steps taken and any responses received	
This section to be completed by the Corporate Lead Officer: Democratic Services Date received: Does the referral meet the necessary requirements: Yes / No If 'no' please note the reasons below.  Correspondence sent to application on date:	

**The following criteria will be taken into consideration when the Committee decide whether to progress with your CCfA**

- Links to the Corporate Strategy
- Have all reasonable attempts have been made to resolve the issue? Do the responses received by you demonstrate that the matter is not being progressed?
- Has the committee considered a similar issue recently – if yes had the circumstances or evidence changed?
- Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA. Relevant time pressures on resolving the CCfA should be taken into account.
- Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response have you received?
- Is this a case that is being or should be pursued via the Council's corporate complaints procedure?
- Is it relating to a "quasi-judicial" matter or decision such as planning or licensing?
- Is the issue part of a personal agenda (an issue of genuine local concern should have an impact on the local community)?
- Is this an issue currently being looked at by another form of local scrutiny?
- And, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in your ward?

**Please consider whether your referral might be considered premature by the Committee. Consider whether other potential remedies have been exhausted, before a referral is made. Members should be aware that if a premature referral is made, the Committee is likely to refuse to deal with the issue, based on the criteria outlined above. If the Proper Officer believes that the referral is premature, he/she will advise you accordingly.**