



## Meeting Agenda

**Policy Development Committee,  
Town Hall, Lytham St. Annes  
Thursday 3<sup>rd</sup> December 2009, 6:15pm**

**The main doors to the Town Hall will be open to the public at 6:00pm**  
The maximum capacity for this meeting room is 60 persons –  
once this limit is reached no other person can be admitted.

# **POLICY DEVELOPMENT COMMITTEE MEMBERSHIP**

CHAIRMAN	Fabian Craig-Wilson
VICE-CHAIRMAN	Kiran Mulholland

## **Councillors**

Brenda Ackers	Ben Aitken
George Caldwell	Michael Cornah
Patricia Fieldhouse	Richard Fulford-Brown
Craig Halewood	Angela Jacques
John Davies	Howard Henshaw
David Chedd	Elizabeth Oades
Elaine Silverwood	Heather Speak

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## **Our Vision**

*To establish Fylde Borough Council as a high performing local authority*

## **Our Corporate Objectives**

To improve the economic, social and environmental well-being of our communities through:

- The promotion and enhancement of the natural built environment
- Increasing the availability and access to good quality housing for all
- Maintaining healthy and safe communities to reduce the fear of crime
- Supporting and sustaining a strong and diverse Fylde coast economy to further enhance employment prospects

## **We will achieve this by:**

Focusing on customer requirements  
Clear community and organisational leadership  
Delivering high quality, cost-effective services  
Partnership working



## AGENDA

### PUBLIC PLATFORM

*To hear representations from members of the public in accordance with  
Committee procedure rules*

ITEM	PAGE
<b>1. DECLARATIONS OF INTEREST:</b> <i>If a member requires advice on Declarations of Interest he/she is advised to contact the Monitoring Officer in advance of the meeting. (For the assistance of Members an extract from the Councils Code of Conduct is attached).</i>	4
<b>2. SUBSTITUTE MEMBERS:</b> <i>Details of any substitute members notified in accordance with council procedure rule 26.3</i>	4
<b>3. REVIEW OF CORPORATE OBJECTIVES</b>	7-10
<b>4. COUNCILLOR CALL FOR ACTION</b>	11-25

**Personal interests**

**8.—(1)** You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body—
  - (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

- (i) any employment or business carried on by you;
  - (ii) any person or body who employs or has appointed you;
  - (iii) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
  - (iv) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
  - (v) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (vi) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (vii) any land in your authority's area in which you have a beneficial interest;
  - (viii) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision;

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

**Disclosure of personal interests**

- 9.—(1)** Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(d).

#### **Prejudicial interest generally**

- 10.—**(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of your authority in respect of—
    - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
    - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
    - (iv) an allowance, payment or indemnity given to members;
    - (v) any ceremonial honour given to members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

#### **Prejudicial interests arising in relation to overview and scrutiny committees**

- 11.—** You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

#### **Effect of prejudicial interests on participation**

- 12.—**(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
 unless you have obtained a dispensation from your authority's standards committee;
  - (b) you must not exercise executive functions in relation to that business; and
  - (c) you must not seek improperly to influence a decision about that business.
- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
DIRECTOR OF GOVERNANCE AND PARTNERSHIPS	POLICY DEVELOPMENT SCRUTINY COMMITTEE	3 DECEMBER 2009	3

## REVIEW OF CORPORATE OBJECTIVES

**Public Item** This item is for consideration in the public part of the meeting.

### Summary

The report seeks the view of the Policy Development Scrutiny Committee on the review of corporate objectives as part of the formal consultation process on this review. The views of this committee were invited by the Cabinet at its meeting held on 18 November 2009.

### Recommendations

1. That the committee be invited to pass any feedback on the proposed revised corporate objectives back to the Cabinet

### Cabinet Portfolio

The item falls within the following Cabinet portfolio: Leader, Councillor John Coombes

### Report

1. The Council has adopted a performance management framework which is based around an annual planning cycle. Part of this cycle includes a review of the Council's corporate vision, objectives and priorities ahead of the budget setting timescales for the following financial year.
2. The annual planning cycle recommends that the Council's corporate objectives and priorities are reviewed in advance of consideration of its budgetary requirement for the following financial year.

3. The budget timetable for 2010/11 was agreed at the September Cabinet meeting and this culminates in March 2010 when the Council will set its budget and council tax levels for 2010/11.
4. It is timely therefore for the Council to review its corporate vision, objectives and priorities in order to feed these deliberations into the consideration of the medium term financial strategy and the budget for the next financial year.
5. At its informal workshop on August 25<sup>th</sup> the Cabinet considered its current corporate vision, objectives and priorities in light of the current economic climate, ongoing statutory and external demands and the needs and ambitions of the local community.
6. From this workshop a draft revision of the corporate vision, objectives and priorities was produced and this is attached at Appendix A. The four objectives each currently contain a number of activities which are presented in bullet point format.

## Conclusions

7. The annual planning cycle envisages that the revision of the corporate objectives is developed in consultation with internal and external stakeholders. Therefore Appendix A forms the basis of a consultation document which will be circulated for observation and comment to staff via the forthcoming service planning meetings, and to a wide range of external stakeholders and partners. The consultation with this committee also forms a part of this consultation process.

IMPLICATIONS	
Finance	The review of the corporate vision, objectives and priorities are important precursors to the budget planning timetable.
Legal	There are no direct legal implications.
Community Safety	There are no direct community safety implications.
Human Rights and Equalities	There are no direct human rights and equalities implications arising from the report.
Sustainability and Environmental Impact	There are no direct sustainability and environmental implications arising from the report.
Health & Safety and Risk Management	There are no direct health & safety and/or risk management implications arising from this report.



Report Author	Tel	Date	Doc ID
T Scholes	(01253) 658521	November 2009	H/Cabinet/November09

List of Background Papers		
Name of document	Date	Where available for inspection
Attached as Appendices	November 2009	Town Hall or <a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>

**Attached documents** -

**Appendix A - draft corporate vision, objectives & priorities 2010/11**

## **VISION**

*FYLDE BOROUGH COUNCIL WILL WORK WITH PARTNERS TO MAINTAIN A WELCOMING PLACE WITH ENERGETIC, HIGH-SKILLED, HEALTHY PEOPLE IN FLOURISHING COMMUNITIES.*

## **CORPORATE OBJECTIVES**

- 1. TO MAINTAIN A THRIVING LOCAL ECONOMY**
  - Support Local Businesses
  - Support the Visitor Economy
  - Events
- 2. TO PROMOTE COHESIVE COMMUNITIES**
  - Housing
  - Safe communities
  - Young People
  - Older People
  - Access to services & information
- 3. TO MAINTAIN THE QUALITY OF THE NATURAL AND BUILT ENVIRONMENT**
  - Public Realm Quality & Cleanliness
  - Resource management and Climate Change
  - Attractive parks, gardens, countryside & coastline
- 4. TO MAKE SURE THAT OUR SERVICES PROVIDE VALUE FOR MONEY**
  - Demonstrate efficiency
  - Customer care
  - Better than average service performance

# REPORT



REPORT OF	MEETING	DATE	ITEM NO
GOVERNANCE AND PARTNERSHIPS	POLICY DEVELOPMENT SCRUTINY COMMITTEE	3 DECEMBER 2009	4

## COUNCILLOR CALL FOR ACTION

### Public Item

This item is for consideration in the public part of the meeting.

### Summary

Legislation has changed to allow councillors to bring issues from ward level to scrutiny committee by a method known as Councillor Call for Action (CCfA). The report and attached document describes the requirements of the regulations, and a proposal for a process to deal effectively with requests for CCfA.

### Recommendations

1. That committee notes the requirements of the change to legislation
2. That committee considers the proposed procedure for raising a CCfA and recommends in principle approval to the Director of Governance and Partnerships

### Reasons for recommendation

To assist the council to comply with legislative changes which are designed to strengthen scrutiny at the local level, and to provide a mechanism for councillors to engage in the CCfA process.

### Alternative options considered and rejected

None – under legislation CCfA has to be adopted by the council.

## Cabinet Portfolio

The item falls within the following Cabinet portfolio:

Partnerships and Community Engagement      Cllr Karen Buckley

## Report

1. Councillor Call for Action (CCfA) was established under amendments made to the Local Government Act 2000, enacted in April 2009 through the Local Government and Public Involvement in Health Act 2007. The legislation is part of the government's wider initiative to empower local communities, and reflects changes made to local authorities in the arena of partnership working. It covers "any local government matter".
2. Section 19 of the Police and Justice Act 2006, as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007, creates a similar call for action power whereby the council's executive arrangements must enable any councillor to refer a local crime and disorder matter to the appropriate scrutiny committee.
3. CCfA is a mechanism by which councillors can raise issues through the scrutiny process which have arisen in their ward, which are of significant concern to that community, and where the usual channels used to resolve such issues have been exhausted or have been unsuccessful in providing a resolution.
4. Statutory regulations deal with matters that will be excluded from CCfA stating that: *'Any matter which is 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 at a meeting of a sub-committee of that committee is to be excluded.'*
5. Also excluded are matters relating to an existing complaints process; decisions taken but not yet implemented; questioning of wider policy issues; planning appeals, licensing appeals and other areas where an alternative avenue exists to resolve an issue.
6. A CCfA must:
  - relate to the discharge of a function of the council or its LAA partners
  - have a direct effect on all or part of a ward for which the councillor is responsible
  - relate to a neighbourhood or locality issue, and be a matter of genuine local community concern
  - relate to a quality of public service provision issue
  - be a continuing problem which has not been resolved by other means.
7. It should be noted that members of the public cannot raise a CCfA with the scrutiny committee directly. It is at all times the ward councillors' responsibility to seek resolutions to problems through all means available before using the CCfA process. In effect, CCfA has been designed as a "last resort" to be used when all other attempts at resolving a ward issue have failed. However, it cannot necessarily provide an immediate solution to such problems, and a key part of the process is for councillors to manage the expectations of the community as to the outcomes that CCfA can achieve. Whilst any recommendations emanating from a scrutiny committee will undoubtedly be

a strong influence in addressing the issue, ultimately it will be the relevant decision taker(s) who determines what action is to be taken, if any.

8. Should a CCfA hearing result in recommendations to a partner organisation, they would be requested to make a response to the recommendation. They are not under a legal obligation to do so, but they must “take it into consideration”.
9. Officers of the Democratic Services unit will be able to give guidance and assistance to councillors to help them to establish whether all possible avenues have been explored to try to resolve an issue, before initiating a CCfA.
10. However, the successful operation of CCfA will rest on continuing recognition and support within the local authority for the following broad principles:
  - Involvement of scrutiny in the decision-making process
  - A willingness to identify mistakes and shortcomings and recognition of the need to resolve problems
  - An understanding of the role that scrutiny can play in helping the council to improve services
  - An understanding of the role that ward councillors play as champions of their communities, and a desire to support that role.

## Conclusion

In response to the above issues, some local guidance for councillors and officers has been drafted and is attached as an Appendix to this report, for approval.

Within Fylde Borough Council's Constitution the rule for CCfA at Fylde is to be found in Standing Order 4, and specifically states

- 4.1 *Any member can request that an item be placed on the agenda for discussion by a scrutiny committee by notifying the Director of Governance and Partnerships*
- 4.2 *The Director of Governance and Partnerships may, following consultation with the leader of the council and the leader of the main opposition group, issue, amend or withdraw guidance and protocols for the submission of requests under 4.1*

Accordingly the recommendation is for in principle approval for the guidance to be conveyed to the Director for Governance and Partnerships, so that she may undertake the appropriate consultation with the leader of the council and the leader of the opposition before the guidance is formally issued.

CCfA will be the subject of a Member Learning Hour once the guidance has been finalised.

Report Author	Tel	Date	Doc ID
Annie Womack	(01253) 658423	18 November 2009	CCfA – reort to PD committee

List of Background Papers		
Name of document	Date	Where available for inspection
Section 119 of the Local Government and Public Involvement in Heath Act 2007  Section 19 of the Police and Justice Act as amended by Section 126 of the Local Government and Public Involvement in Health Act 2007		<a href="http://www.opsi.gov.uk/acts/acts2007">www.opsi.gov.uk/acts/acts2007</a>
IDeA /CfPS Councillor Call for Action best practice guidance		<a href="http://www.idea.gov.uk">www.idea.gov.uk</a> <a href="http://www.cfps.org.uk">www.cfps.org.uk</a>

### Attached documents

1. CCfA – guidance for councillors
2. CCfA – request form

IMPLICATIONS	
Finance	None arising directly from this report. Costs will be contained within existing budgets.
Legal	The Local Government and Public Involvement in Health Act 2007 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009 give the council the power to deal with issues under Community Call for Action.
Community Safety	None arising directly from this report
Human Rights and Equalities	Councillor Calls for Action have the potential to be of benefit to all residents of the Fylde
Sustainability and Environmental Impact	None arising directly from this report
Health & Safety and Risk Management	



# FYLDE BOROUGH COUNCIL

Councillor Call for Action

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Guidance for Councillors

# Contents

1. What is a Councillor Call for Action?
2. Dealing with a Councillor Call for Action
3. Initial signposting checklist
4. Resolving the issue
5. Timescales
6. How does it fit with scrutiny and what will the process be?
7. Councillor Call for Action flow chart
8. Implications / actions for officers

Appendix 1 Explanatory Notes

Appendix 2 Councillor Call for Action Request for Scrutiny form



## 1) **What is a Councillor Call for Action?**

Councillor Call for Action (CCfA) has been introduced by the government to strengthen the role of the ward councillor. The CCfA is a process for a councillor to act on behalf of residents to resolve a local issue of concern, when all other avenues have been explored and exhausted. Taking a CCfA to scrutiny is an act of last resort and CCfA should not be regarded as just a scrutiny process. It is a “whole council” approach which can help councillors to resolve issues in their area.

Ward councillors should be looking to identify potential CCfAs in their community, but CCfAs can also be raised by local people directly with their ward councillors. It will still be up to councillors to recognise whether it is appropriate to champion that issue as a CCfA.

CCfA commenced in April 2009 when a duty was placed on all councillors to consider requests from local residents on local issues of concern. National guidance has been issued and can be viewed at:

<http://www.idea.gov.uk/idk/core/page.do?pagelId=9410176>

The decision to raise and champion a CCfA lies with you as the councillor although there are certain issues which are proscribed from being classed as CCfAs – there is a checklist on the following pages. We are also trying to involve and encourage county councillors to work with you on CCfAs in recognition of the two-tier structure within which we operate. Fylde Lancashire Locals may be the appropriate mechanism for dealing with two-tier CCfAs.

*Please note that any crime and disorder issue may also be raised through the CCfA mechanism.*

## 2) **Dealing with a Councillor Call for Action.**

### **What is expected of you?**

Essentially, a Councillor Call for Action (CCfA) is a recognition of the role you undertake as a ward councillor in taking up local issues on behalf of your community. You are expected to identify issues of local concern and act with and on behalf of your community to resolve those issues. It is up to you, using this guidance, to decide:

- . which issues you champion and take forward as CCfAs;
- . when an issue should be referred to scrutiny; and
- . when to reject an issue.

You will be supported in this process by the Director of Governance and Partnerships, and by the Principal Democratic Services Officers (PDSO).

A flow chart of the CCfA process is provided within this document which takes you through each step.

### 3) Initial Signposting Checklist for a CCfA

**Reject** the issue as a CCfA immediately if it is any of the following:

- An individual complaint concerning personal issues or commercial issues – *refer the complainant to the department, service provider or complaints procedure as appropriate*
- Any matter relating to a “quasi-judicial” matter or decision such as planning or licensing – *refer the complainant to the relevant department*
- Any matter relating to council tax, non-domestic rates, or housing benefit as these have their own statutory appeals process – *refer the complainant to the correct department*
- Vexatious, not reasonable and/or persistent
- An issue which has already been through the CCfA process, unless the circumstances have substantially changed

*(Please note that if a ward councillor rejects a CCfA at any stage, there is no right of appeal from the resident or community group who raised the issue.)*

**Accept** the issue as a CCfA if it is:

- An issue of genuine local concern having an impact on the local community; and
- It is a continuing and unresolved problem, and you believe that this is the most appropriate way to deal with it.

### 4) Resolving the issue

Firstly, consider whether an apology, explanation or assurance that a problem will not be repeated is enough to satisfy a community concern. If not, then the matter will need to be investigated. There are a variety of ways open to a ward councillor to try to resolve an issue. Some steps are suggested below:

- Log the issue with a PDSO as a potential CCfA, and seek guidance about avenues of enquiry. The PDSO will advise the scrutiny committee chairman that a preliminary approach has been made about a CCfA.
- Discuss the issue with other ward councillors (make sure they haven't already rejected it, and ask if they can help).
- Take steps to resolve the issue through existing mechanisms such as liaising with partners, county and parish councillors or raising the issue with the appropriate FBC service director or agency.
- If appropriate, consider a Notice of Motion or written question at full council
- If appropriate, organise a petition
- If appropriate, arrange an '**Action Meeting**' of all relevant parties.
- If the issue is then resolved, inform the resident (or community members) and the PDSO of the outcome and the steps taken, including any difficulties or learning points.

If the issue cannot be resolved by the above and any other appropriate means:

- Complete a CCfA Request for Scrutiny form (sample at Appendix 2) and submit it to the Director of Governance and Partnerships. She will arrange for the PDSO to include the matter on the agenda of the next meeting of the relevant scrutiny committee.
- Provide all records of actions undertaken and responses given to you, to form part of the report for the committee to consider. If you do not give enough information the committee may postpone or even reject the CCfA.

## 5) Timescales for Dealing with a CCfA

### **Initial Response**

In the first instance of raising the matter in principle with the PDSO you will receive an acknowledgement and an invitation to meet to go through the issues, within 3 days or as soon as is reasonably practicable. The PDSO will offer guidance as to whether you should champion the CCfA or reject it. If you are to champion it, the officer will help you to devise an action plan for progressing and investigating the issue.

### **Timescale for Resolution/Action**

All directors are asked to ensure that issues are responded to within **28 days** and, where possible, either resolved or an action plan put in place (for example, setting up an **Action Meeting** of appropriate officers, elected members, partners or other community representatives). Our external partner organisations have been asked to work within their own “dealing with complaints guidelines” for resolving your issues.

### **Response to Recommendations from Scrutiny**

If the CCfA cannot be resolved by the ward councillor, the relevant scrutiny committee will consider the matter at the earliest opportunity (the next scheduled meeting). The committee will deal with the matter in a similar manner to the way that it deals with call-ins, in that it can either make recommendations, or it can make a decision not to proceed with the matter.

The committee may make recommendations for improvement to Cabinet or to a Chief Officer. Alternatively, the committee may make recommendations to a partner organisation. Whilst there is no absolute duty for partners to respond, we hope that partners will give an indication **within 28 days** of their intentions with regard to the scrutiny recommendation. Where this will not be possible, partners will inform the PDSO of their proposed timescale.

The final option is that the scrutiny committee decides that no further action is to be taken. There is no right of appeal against this decision and the same CCfA may not be raised again unless there are significant changes to the circumstances surrounding the issue.

## **6) How does CCfA fit with the scrutiny process ?**

Following a sustained but unsuccessful attempt to resolve the issue, the CCfA will be placed on the agenda of the appropriate scrutiny committee. The scrutiny committee will be expected to ensure that the issues to be scrutinised and reviewed are of genuine community concern. When an item is brought before them as a CCfA they will consider the following:

- whether in their view the applicant is a vexatious complainant
- whether the issue has been (or is currently being) dealt with under the council's (or partner's) complaints procedure.
- whether ward councillors have not been given the opportunity to deal with the issue locally.
- whether ward councillors have not explored the issue fully and exhausted all avenues of resolving the issue locally.
- whether the issue cannot go any further.

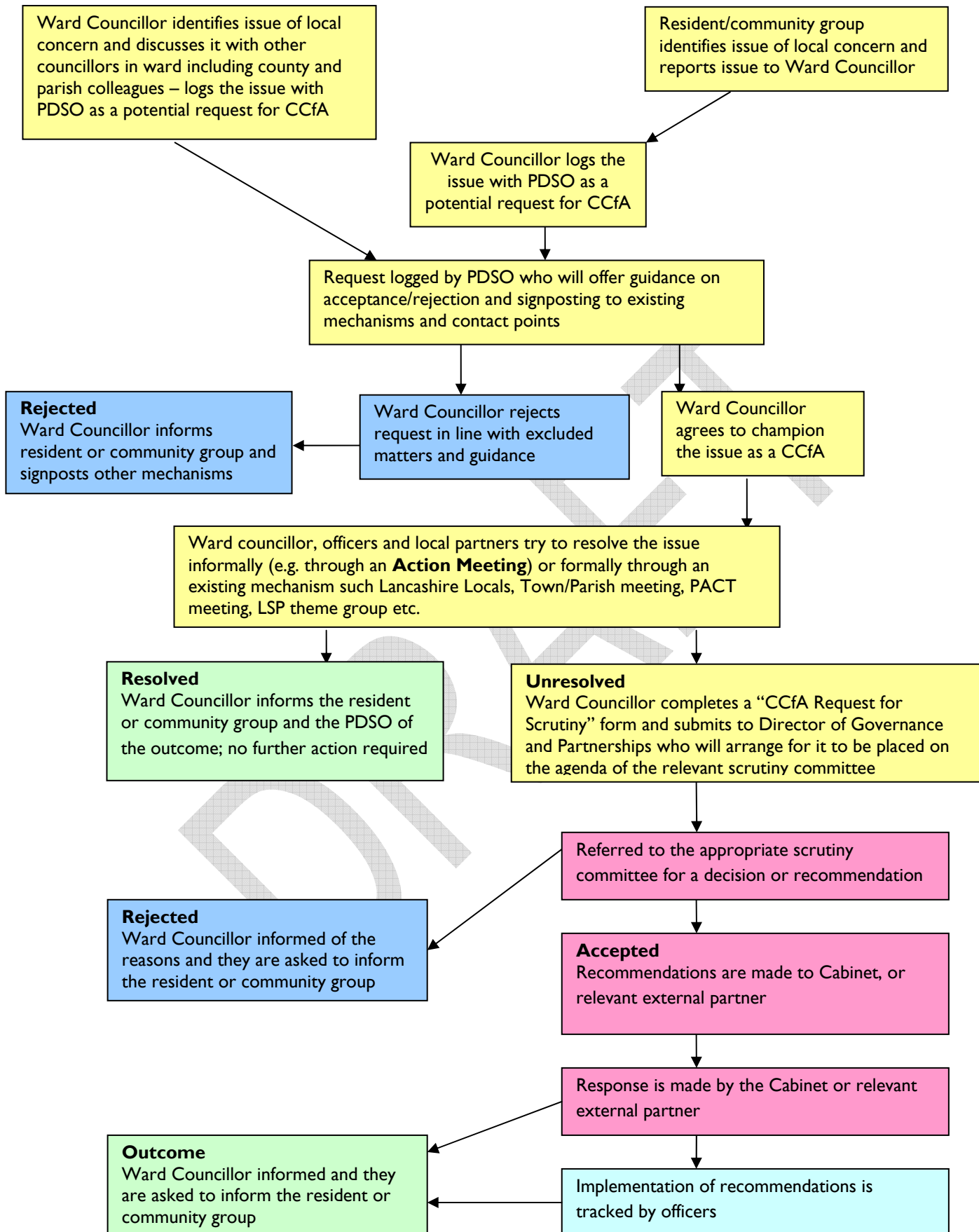
The councillor bringing the CCfA should be clear right from the start as to what they expect to be achieved from the process, and the scrutiny committee will focus their discussion on the desired outcomes. Councillors should be aware that the committee will challenge those expected outcomes if they feel that they are unreasonable.

To assist their deliberations, when receiving a CCfA request, the scrutiny committee should have before it all of the evidence which illustrates the extent of the attempt to resolve the issue by the ward councillor and any officers and partners who have been involved in seeking a remedy.

The relevant county councillor may be invited to committee if the issue involves the county council. The parish/town council chairman or a nominated representative may similarly be invited as a witness if the issue involves the parish/town council. In effect, the committee may invite anyone involved with the matter to give evidence if they believe that will assist them to reach a decision or recommendation.

Recommendations made by the committee and approved by Cabinet or partner organisations will be tracked by officers for implementation, and progress reports made available to committee and the ward councillor.

## 7) Councillor Call for Action flow chart



## **8) Implications / actions for officers**

### **Who can raise a CCfA?**

If a member of the public tries to raise with an officer a CCfA, or a matter which could conceivably become a CCfA, the officer should direct the complainant to their ward councillors.

### **Initiating a potential CCfA?**

Democratic Services officers should be available to discuss potential CCfAs and guide councillors in the appropriate actions to take.

### **And if it is a CCfA?**

As part of a ward councillor's attempts to resolve issues, officers at any level may be asked to help, for example by supporting councillors through the usual complaint or enquiry process, or by organising or attending meetings which have been specifically set up to help councillors resolve the community issue.

### **If the issue remains unresolved?**

Officers should be prepared to be called as witnesses to the scrutiny review of the topic if they have been involved in attempts to resolve the matter. They may wish to consider making detailed records of actions taken during the progress of the CCfA in case the committee requires such evidence.

### **After the committee meeting?**

Officers will be responsible for implementing any agreed recommendations which are relevant to their particular service areas, and providing update information regularly to the appropriate PDSO.

Chief officers should also consider whether, after a successful resolution, there is merit in publicising the achievement.

## **Definition of a local government matter and a local crime and disorder matter**

### **(a) Local government matter**

For the purpose of the Act a local government matter, in relation to a member of a local authority is one which:

- Relates to the discharge of any function of the council;
- 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 (i.e. it must be specific to a particular locality); and
- Is not an excluded matter.

However, the guidance produced by the Centre for Public Scrutiny and Improvement and Development Agency advises that, to give full effect to CCfA, the interpretation of "local government matter" needs to be broader. This includes issues relating to the council's partners, in line with the area focus of Comprehensive Area Assessment (CAA), and the fact that an authority's duties increasingly impact on other organisations, and involve partners within and outside the Local Strategic Partnership (LSP).

### **(b) Local crime and disorder matter**

A local crime and disorder matter, in relation to a member of a local authority, has been defined to mean a matter concerning:

- 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
- the misuse of drugs, alcohol and other substances that affects the electoral area represented by the member, or the people who live or work in that area.

## **Definitions of "vexatious", "persistent", "discriminatory" and "not reasonable"**

Statutory regulations deal with matters that can be excluded from CCfA, stating that "any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the scrutiny committee is to be excluded".

### **(a) Vexatious/Persistent**

Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

Issues around persistency are implied by this definition. However, a persistent request may well be entirely valid - it may relate to a systematic problem that has not been effectively resolved.

Each CCfA needs to be looked at on its merits. Where a request for a CCfA is clearly vexatious, detailed reasons for coming to this decision will be given to the councillor concerned. There could, however, be instances where changes to the scope of the CCfA, or its focus, could make it more acceptable while still meeting the councillor's requirements.

### **(b) Discriminatory**

A discriminatory CCfA might be one which implies or states that a group of people or an area receives better, or worse, services on account of that group's predominant religion, race, sex or other characteristic, as covered by discrimination legislation.

### **(c) Not reasonable**

It has been suggested that, in the interests of transparency, authorities do not interpret "not reasonable" as being the same as the legal word "unreasonable". It is best to consider it as a qualifier to the word "vexatious", as a vexatious request is likely to be not reasonable and a request that is not reasonable is likely to be vexatious.

**Councillor Call for Action (CCfA) Request for Scrutiny Form**

This form should be used by any councillor who would like the relevant scrutiny committee to consider a CCfA arising in their ward.

**Name of the Councillor making the CCfA:**

**The ward you represent:**

**Title of your CCfA:**

**Date of submission:**

It is expected that a member making a CCfA will attend the committee meeting when it is considered. Do you intend to speak to the committee on the matter? **Yes No**

Have you approached any scrutiny committee on the same issue in the past six months? **Yes No**

Why you think the issue should be looked at by the relevant scrutiny committee?

Please give a brief synopsis of the main areas of concern:

What evidence do you have in support of your CCfA?



Which areas or community groups are affected by the CCfA?

How long has the issue been on-going?

How have you tried to resolve the issue?

Is the CCfA currently the subject of any legal action (to your knowledge) or being examined by a formal complaints process?

Are there any deadlines associated with the CCfA that the scrutiny committee should be aware of?

**Please complete and return the form to:**

Director of Governance and Partnerships  
Fylde Borough Council  
Town Hall  
St Annes

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